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NATIONAL MUSICAL REVIEW

1912

VOLUME 11

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VIEWS AND REVIEWS

Revision of the Pontiac manager charter was defeated on November 30 decisively after a hot campaign.

In accordance with the law passed by the last legislature Governor Miller has published the names of those chosen as members of the New York City charter commission. One of the fifteen is Prof. Howard Lee McBain, a member of our advisory editorial board and a former associate editor. The commission is to report to the legislature recommendations for changes in the charter.



The Council at its meeting on December 12 elected Mr. Carl H. Pforzheimer of Harrison, New York, treasurer to to succeed Mr. Vanderlip. Mr. Pforzheimer is a man whose interest of government has come through active efforts for businesslike practices in the administration of the city in which he lives. The League appeals to him as worth while and we are highly gratified that he has seem fit to accept service with us.

We are sorry to lose Mr. Vanderlip who has served us so happily for the past two years, but many other pressing matters compelled him to withdraw.



During the year 1922, voters in Chicago will take part in four elections and one primary. They will be com-

pelled to register twice, once before the primary and once before the general election. Each voter will be expected to cast a ballot for the election of about fifty different officials during the year, exclusive of the primary. Can you beat it?



The veteran preference amendment to the New York constitution was defeated at the last election by 400,000 votes. The amendment to increase the salary of legislators to \$3,000 per annum was soundly beaten. The literacy test for voters and the Westchester-Nassau County optional government amendment were both adopted.



*The
Civil Service*

The annual report of the federal civil service commission just issued sharply raps the veterans' preference act, which requires that all veterans with a rating of 65 be certified for appointment before all others regardless of the rules of appointment. It operates largely to exclude all thus not preferred from appointment in the ordinary clerical grades, but the immediate effects are not so deleterious as they will be when the average age of the veterans passes the expectation of efficiency. Many unqualified persons are selected in

preference to the qualified with the resultant creation of a privileged military class.

The commission is gratified by the new system of choosing presidential postmasters. From May to October, 1921, of 877 nominations made to the senate 426 were through promotion or transfer from the classified service. The others were chosen from the three highest eligibles furnished by the commission. President Harding's executive order of May 10, 1921, following out in spirit Wilson's order of 1917, thus establishes the position of expert postmaster.

The extension of the merit system to cover the 4,185 deputy collectors of internal revenue is urged as an economy to the service and an incentive to efficiency.

And finally the commission calls attention to the need for an employment system in the civil service. Government service no longer attracts the best students of the schools. Some schools report that they advise their students to stay out of government service.

If you are interested in a civil service of which Americans can be proud, we suggest that you keep an eye on the post office department. The first steps toward making the post office a desirable occupation for self-respecting men have already been taken. We expect to publish an article on the subject in our March issue.

✦

*The
First Federal
Budget*

The long expected has happened. At last a budget has been presented to congress of which the responsible officer in charge could say:

It is to be expected that since the preliminary estimates have been made under pressure by the Executive for proper retrenchment, where consistent with efficiency, it will not be necessary,

as heretofore, for congress to make radical cuts upon the estimates of the budget with any uncertainty as to what will be the result as it effects efficiency.

Although the sentence structure might be improved, there is a wealth of meaning behind this statement of General Dawes. It implies that the estimates of the fiscal needs of the country for 1923 are to be taken at their face value; something that no living congressman has ever been able to do. The reference to executive pressure suggests that this has been attained at cost of long effort with department heads, bureau chiefs and the like. The implication is that the President will defend his budget. In the light of state experience, it is one thing to submit a budget and another to have it passed, as the President doubtless knows.

Two phases of General Dawes' report are of special interest to political scientists. He condemns continuing appropriations. The habit of continuous appropriations, he says, is an encouragement to lack of scrutiny of the work of a department by the head and an encouragement to shiftlessness on the part of subordinates. The League's model state constitution agrees with General Dawes.

The other matter of interest is his prompt recognition of the importance of the administrative organization behind the budget if it is to mean anything. General Dawes complains that the President gives no time to routine business and the several departments are run as if each were an independent authority. No centralized purchase or sales machinery is operative. Administrative heads are selected with little reference to business qualifications. A mere budget system will not put more business in government. All will agree with this.

THE RECALL IN NORTH DAKOTA

BY DORR H. CARROLL

Former Chairman of the North Dakota State Council of Defense

As usually occurs, the measures which the progressives fight for and secure over the agonized protest of the conservatives, are first used by the conservatives as weapons of offence against those who fashioned them.

The recall of officials was a measure initiated by the progressive element in North Dakota after a long and vigorous campaign for that and other measures. It was first used to recall Governor Lynn J. Frazier, Commissioner of Agriculture John Hagden, and Attorney General William Lempke. These men were elected by the Non-partisan League and constitute the state industrial commission which has charge of the state-owned enterprises.

DIFFICULTIES OF STATE-OWNED ENTERPRISES

These enterprises consist of the state flour mills, state terminal elevators and a state home builders' association. The commission also has charge of the Bank of North Dakota. This last named enterprise has been in operation for nearly two years, and has paper profits of \$153,000, on a capital of \$2,000,000 paid in in the shape of a deposit of state industrial bonds. The other enterprises are not in operation to any great extent. The home builders' association has sold some bonds and has made some loans to builders of homes, but the vigorous fight against the operation of the enterprise has made financing of its bonds and mortgages quite difficult, and progress has been slow. One of the state mills was operated at Drake and made some

money in the production of flour, but the mill extended a considerable line of credit to the Consumers' Stores Company, a concern operated something on the Rochdale system of co-operative stores. This concern was not a success, and its failure resulted in the suspension of any large operation by this mill for the present.

The vigorous fight against the state-owned industries by the press opposed to the Non-partisan League measures, the continued summer drouths and the general financial stringency combined to make the inauguration of new business extremely difficult, even though it may be fundamentally sound. In addition to these conditions, some very serious mistakes were made. Some of the money of the bank was used, by legal means, it appears, to finance the fortunes of those friendly to the people in power. Some of the loans made were criticized as not good business. There were also a number of appointments which were patently political instead of business appointments.

The most serious error in the operation of the bank was the nature of the business which it undertook. The reason for the initiation of the state enterprises was to relieve the North Dakota farmer of his dependence upon capital and business outside the state for financing his various enterprises. Farming and stock raising do not tend to create great business and financial centers and the state of North Dakota has no large city within its borders. Fargo, the metropolis, has a population of only 25,000 and Grand Forks and Minot, the two next in size, have but 25,000

together. Thus the farmer desires a state institution of finance which will be available to assist him in his legitimate business needs. His crops are annual and he has no monthly pay check. So he needs long time credits.

The management of the Bank of North Dakota made the error of legislating all the state moneys, county moneys and municipal funds into the bank, and then loaning these funds (many of which were in the nature of quick liabilities) to home builders, long-time farm loans and to the enterprises of terminal elevator and flour mill construction.

An initiated law passed by the people of the state at the last general election transferred the power of placing the state, municipal and county funds from the state industrial commission to the state, municipal and county officers who originally had that power.

These officers were in a large measure influenced by their local personal friends to remove the funds from the Bank of North Dakota, with the natural result that when the bank was liquidated as far as ready money was concerned, there was no money to continue payment of the demands of the local officers for the transfer of funds to other banks. In addition to this, the general conditions and vigorous propaganda above referred to, participated in by the St. Paul and Minneapolis papers, made it impossible for the bank of North Dakota to realize upon its slow assets. The general business of the state is transacted in St. Paul and Minneapolis and was threatened by the proposed changes in the affairs of the state. In ordinary times and under ordinary conditions these assets are much sought after as good and stable investments.

TACTICS OF THE OPPOSITION

There were two elements in the forces opposed to the Non-partisan League. One element was for pressing

its present advantage and bringing on a recall election at once, relying on the discouraged condition of the farmers who constitute the great majority of the state electorate. The farmers need financial assistance which they do not appear to be able to obtain now through the sources offered by the present state administration, but which is promised to them in the event that a change of administration is had.

The other element was for waiting until the primaries in June of 1922 for further action. This last element was controlled by the friends of Senator McComber, who has been accused by some of the members of the Independent Voters' Association, the anti-League organization, of being in an offensive and defensive alliance with the leaders of the League. The reason for their position was the fact that the logical candidate for the governorship was R. A. Nestos, of Minot, who came close to beating the Senator in 1916, and who represents the progressive Republicans of that time. Apparently the Senator is not desirous of letting the power of the governor's office go to one whom he appears to consider as a political enemy in his own party. In the event that the action was delayed the Senator's friends appeared to consider that a better opportunity might be had for a candidate of a more friendly character. Supporting this position were many who thought the best interests of the state were not served by so many elections, and who, though opposed to the League, were of the opinion that the various elements which compose it were in the process of disintegration. A victory at the June primaries, therefore, was considered a foregone conclusion.

SUCCESS OF THE RECALL

The element for immediate action prevailed. Nestos, who is of Scandi-

naviand escent, and who has, as state's attorney of Ward county, made a great reputation as a vigorous officer for law enforcement, was nominated at a convention called to discuss men and means for the overthrow of the present administration. On November 8 he was elected to succeed Governor Frazier, who was recalled. The initiated measures directed at certain of the state's new enterprises failed.

Two things are worthy of note. The character of Governor Lynn J. Frazier is conceded by all fair opponents of his economic ideas, to be above reproach. And R. A. Nestos, his opponent, also a man of high character, has always been very progressive and promised the voters of the state that if elected he would give the state enterprises a fair trial under the operation of competent men who understand such businesses.

HOME RULE FOR TWO NEW YORK COUNTIES

BY ROBERT MOSES

Secretary, New York State Association

Westchester and Nassau counties have been granted a measure of home rule by means of a constitutional amendment adopted last election ::

AT the election on November 8, the voters of New York adopted a constitutional amendment looking towards improvement in county government in that state. Under the present constitution county boards of supervisors are established with administrative and legislative powers delegated by the state legislature and also with power to appoint all county officers not elected by the people or otherwise appointed. Town officers must be elected in the towns or appointed by local authorities. It will be seen that there are just enough limitations to prevent setting up a modern consolidated government.

The new amendment passed the legislature of 1920 and passed a second time at the last session. It simply empowers the legislature to provide new forms of government for Westchester and Nassau counties subject to the approval of voters in each county by a referendum vote at a general election in an odd numbered year. Thus no new form of government may be approved

in either county until the fall of 1923. The plan adopted may include the transfer to the county of town functions; must prescribe the manner in which the county may revert to its old type of government; and shall not take from the legislature the power of amendment or modification.

PLANS PROPOSED FOR THE TWO COUNTIES

As a part of a campaign for the adoption of the Nassau-Westchester amendment, the New York State Association, a state-wide civic organization, which absorbed the old County Government Association and its program, published at the request of citizens and organizations in the two counties, bulletins, presenting types of kinds of government which might be set up under the Westchester-Nassau amendment.

In the case of Nassau, the State Association has suggested a form of government under a supervisor-at-large

and board, similar to the statutory plan suggested in 1916 by the Nassau county commission appointed to suggest improvements in local government, but advantage has been taken of the removal of constitutional restrictions on the transfer of town and other local functions. In the case of Westchester several alternative plans are proposed, all involving administrative centralization but differing as to the form of overhead; variations of the commission, county-manager and supervisor-at-large types of government being presented. These plans were printed to give some indication to voters throughout the state of what can be done under the proposed amendment. They have no authority other than that which naturally arises from following the recommendations of an official local commission, the materials and debates of the constitutional convention of 1915, the experience of students of county government in this and other states and the methods adopted by cities, states and the federal government in securing responsible and economical administration.

PRESENT CONDITIONS IN THE TWO COUNTIES

The political and geographical conditions in these two counties are radically different, though the counties both adjoin New York City and must trace their growth and the obsolescence of their county governments to this factor of location. Nassau geographically and politically is a much more compact, homogeneous and evenly settled community than Westchester. Nassau has only three townships and one small city. Westchester has twenty townships. It has three large cities, one of over 100,000 inhabitants and many large villages in the south, and in the north a purely rural, thinly settled territory,

composed of hills, lakes, forest and some agricultural land.

Both Nassau and Westchester are overwhelmingly Republican. The political leadership of Nassau has its headquarters in the board of supervisors and consists of an old-fashioned, unintelligent ring, living on road and other patronage, and principally engaged during the last two years in dodging indictments. This machine is rapidly losing its grip on the county. The political leadership of Westchester is in the hands of business men and lawyers of considerable means and of conspicuous intelligence and shrewdness. Subject to continued control by the party they probably want the best form of government attainable.

Both county governments suffer from irresponsible chief executives and from scattering and duplication of administrative activities. The county supervisors act as representatives of the towns and not of the county at large. The town highway and public works, health, charities and commitment, police, taxation and assessment systems in both counties are inadequate, unsatisfactory, expensive and not properly related to intelligent and economical planning and administration for the county as a whole. There are a host of independent elective county and town officers in both counties who serve to share or further scatter administrative authority. Nassau is the only county in the state which has developed an independent county road system under the exclusive control of the board of supervisors, the entire expense of which is a county charge. County road contracts are not usually let by competitive bids. In order to avoid state supervision and competitive bidding Nassau has not come forward to get its proper share of state aid. In the case of schools and health in both counties consolidation of

districts could be effected without constitutional amendment, but practically these consolidations, especially if a county unit is the aim, will naturally follow or go with consolidation in other fields.

TALK OF CITY-COUNTY CONSOLIDATION

There has been considerable talk in both counties of setting up a city government in place of a county government. In the case of Westchester, this suggestion is generally restricted to the creation of a city out of the southern half of the county. Probably no constitutional amendment would be required for this purpose, and certainly it is not contemplated by this amendment. There are probably almost as many opponents of city charters in these counties as there would be opponents to plans for annexing the counties or part of them to New York City. The arguments against creating more overgrown cities seem to the writer conclusive. There are too many small villages in Westchester, but that need not necessitate the creation of a single

city covering the whole or half of the county. A centralized county government will leave considerable local powers in the hands of the cities and villages, but will undoubtedly wipe out the towns as administrative units. Administratively, most of the towns are nothing but arbitrary geographical areas on a map, pink or pale blue lands that mean little except for purposes of taxation disputes and poor administration. Cities and incorporated villages generally have a real identity and significance to their inhabitants, whose powers of local self-government, where the unit is large enough to function independently, should not be abridged.

At any rate, even from the point of view of the extreme centralizationists who favor city charters, the consolidation of the field of county and town government outside of cities and incorporated villages, must be regarded as a long step in advance. The amendment means that the next two years will see the formulation of plans and the making of experiments which will be of interest to the whole country.

NEW REVENUES FOR CITY GOVERNMENT

REPORT OF COMMITTEE ON SOURCES OF REVENUE, NATIONAL MUNICIPAL LEAGUE

BY LUTHER GULICK

*Chairman of the Committee, New York*¹

DURING the last few years average city tax rates have about doubled. The latest figures for the entire United States are for 1919, and show an average city tax rate of \$21.50 a thousand

¹The other members of the committee are: Dr. Robert Murray Haig, New York; Harrison S. Keeler, Chicago, Ill.; Miss Mable Newcomer, Poughkeepsie, N. Y.; A. C. Pleydell, New York; Prof. Wm. A. Rawles, Bloomington, Ind.

as compared with \$11.50 in 1909, an increase of 87 per cent. Some computations made recently covering cities in New York State indicate a greater increase during the ten-year period ending in 1920. This rapid increase in the taxation of real estate has produced a vociferous revolt on the part of real estate interests. The chorus of complaint has been swelled by many other

groups upon whom the burden of increasing taxes has also fallen. As a result the executive and legislative authorities of our national, state and city governments have a mandate from the voters to call a halt to increasing tax rates and to readjust the tax burden through the development of new sources of revenue.

Ribot, the French finance minister, once said that it was the end of taxation to get the most feathers with the least squawk. We may say that during recent years the harvesting of the feathers has been attended by a growing squawk.

This demand for reduced taxes and for new sources of revenue is nothing new, nor will it disappear as a result of anything we may say or do. It is one of the eternal problems of democracy. It is as much a sign of political vitality as the heart throb is of physical life. The Committee on Sources of Revenue, therefore, has no illusions as to the possibility of "solving this problem," if we may borrow the term from some of the cocksure reformers who are at large. The committee does believe, however, that there are a number of specific matters which do demand special consideration at the present juncture. The committee has therefore made no effort to prepare an encyclopedia of sources of taxation or to finish a standard made-to-order suit of taxation overalls in the thought that it can be fitted to every city. We have sought rather to center attention upon what seems to us to be the six most pressing problems of local taxation.

RELATION TO STATE TAXATION

First is the problem of the relation of state and local taxation. In view of the fact that there cannot be a complete separation of the sources or of the administration of state and local taxation,

we believe that the broad outlines of municipal tax and revenue systems must be determined in the light of the national and state tax systems, and that the model tax system of the National Tax Association is satisfactory in this regard, though we wish to urge that in its practical application the needs of the cities be recognized. The tendency has been for superior political units to seize upon the most available sources of revenue at the expense of the cities. Local government is doing more than five times as much work as state government, and except for the abnormal expenses of the world war, our cities are spending more money than the federal government. The most intimate services that government is rendering to citizens are furnished by the cities. The protection of health, free education, police and fire protection, streets, sewers, water supply and the many other necessities of modern urban life are, primarily, city services. The Committee on Sources of Revenue wishes therefore to urge that the extensive and legitimate needs of the cities be given adequate recognition in the distribution of revenues collected by the states through the personal and business income taxes provided by the model tax system. (Mr. A. C. Pleydell does not agree with the committee, as he feels the extension of income tax legislation is undesirable.)

BUSINESS AND LICENSE TAXES

The second problem we wish to call to your attention is that of the business, occupational and license taxes. During the last few years, cities in their search for more revenues, particularly in the south and west, have adopted many sorts of special business and license taxes. The Boston Committee on New Sources of Revenue has even gone so far as to urge a municipal retail sales

tax on the theory that such a tax is more direct than the tax on real estate.

This committee believes these cities are on the wrong track. We believe the Boston proposition is utterly wrong. Undoubtedly (1) genuine regulatory licenses, (2) charges which compensate the city for special services rendered, (3) fees for privileges and (4) fines should be increased to meet the new costs and the shrunken value of the dollar, but the levying of so-called business license taxes on every profession or type of activity that can be found in the dictionary, especially with the types of gradation commonly in use, is undesirable. A much fairer method is to adopt the personal and business income taxes recommended in the model tax system.

SPECIAL ASSESSMENTS

Our next point deals with special assessments. This committee has made a careful study of the subject of special assessments during the past two years. We find that a great many cities are still financing their permanent public improvements by bond issues and taxation instead of by special assessments against the land that is directly benefited by the improvements. We find also that very few of the cities that have adopted the policy of special assessments are following a consistent and businesslike policy. We believe in the policy of special assessments. A much larger share of the cost of public improvements should be borne by the property benefited than is now the rule with a corresponding reduction of the share to be financed by general taxation. The committee has prepared a report of some detail on the subject of special assessment administration which will be printed in the near future as a supplement to the NATIONAL MUNICIPAL REVIEW.

SIGNBOARDS

There is no need of urging upon members of the League the levying of taxes upon signboards. There is now ample justification and legal precedent for levying taxes upon signboards, not merely for the revenue which such taxes would produce, but also for the control which such measures may give over outdoor advertising which, when utterly unregulated, is dangerous, offensive and unsightly. Signboard taxation should recognize that it is not so much the size of the sign that governs its tax-paying ability, as its strategic location, and that signboard taxation should therefore bear some relation to the earning power of the sign. This can be done either (1) by determining rates according to fixed zones, as in Baltimore, (2) by regulating rates to the unit foot value of the street or (3) by taking a certain percentage of the rental value of the sign. Such tax provisions should, of course, be coupled with directly regulatory features and the prohibition of certain types of signs.

TAX LIMITS

We do not believe in tax limits. With very few exceptions, tax limits have not worked satisfactorily. In most cases they have not actually limited taxation. Tax limits have encouraged unsound bonding. Tax limits are contrary to principles of municipal home rule. We believe that cities should be given an opportunity of deciding for themselves what services they need and how much they are willing to spend for them. We believe the only effective method of securing a restriction of tax levies without hampering municipal services, encouraging unsound bonding and robbing cities of their rights of self-determination is: first, through the establishment of a

comprehensive and binding budget system which will bring to the attention of the voters the costs of the services which are demanded of the government and the methods by which these costs are to be met; second, the enactment of a complete bonding act which will prevent unsound bonding; and third, the wide distribution among the electorate of the direct tax burden as is provided by the model tax system. (Mr. Harrison S. Keeler and Mr. William A. Rawles do not agree with the committee, as they feel that in certain instances practical considerations make it necessary to retain tax limits.)

THE ASSESSMENT OF PROPERTY FOR TAXATION

The views of this committee on the subject of the assessment of property for taxation have already appeared in published form in the supplement of the NATIONAL MUNICIPAL REVIEW¹ prepared by Mr. Lawson Purdy. We believe the essentials of a good municipal assessment system are:

(1) Assessment at 100 per cent of market value.

(2) Tax maps showing the metes and bounds of all property within the limits of the taxing district.

(3) The block and lot system of indexing property holdings and office records.

(4) The adoption of the unit foot system.

(5) The adoption of an approved depth rule, corner influence rule, alley influence rule, plot-tage rule, and such other minor rules as are necessary.

(6) The preparation and adoption of a standard building classification with unit factors of building value.

(7) The persistent collection of all information bearing on property values and its preservation in readily accessible and permanent form.

(8) The preparation of a land value map covering the entire city.

(9) The publication of the tentative assessment-roll where practicable.

(10) The recognition that the work of assessment is a year-round task and is therefore to be administered by a single permanent appointive official whose work should be subject to revision on complaint by a quasi-judicial board of review.

These essentials are drawn from the working methods of the most successful assessors, and their adoption in any community should bring about not only a higher assessment, but at the same time a fairer assessment.

MAYOR COUZENS' RE-ELECTION

BY A NON-PARTISAN VOTER

Mayor Couzens was re-elected in November by a vote of almost two to one, after an extremely bitter campaign. He is a dominant figure among American mayors. :: :: :: :: :: :: ::

MAYOR JAMES COUZENS of Detroit, and the eight members of the nine-man city council, chosen three years ago, who were candidates November 8, were re-elected by substantial majorities. Thus the new city charter, as administered by the first leaders chosen by the people, is vindicated. This carries also popular reaffirmation of the

¹ September, 1919.

whole progressive program which was launched in 1915 with the reform of the election system.

MUNICIPAL OWNERSHIP THE SURFACE ISSUE

Only a small minority, even in Detroit, are aware of the inner meaning of the recent campaign and election, when

viewed from the angle of practical politics. Behind a smoke screen of propaganda, consisting largely of personalities and vilification, there was done a vast deal of subterranean, vigorous political work, under the leadership of forces which have been opposed to the new régime in Detroit's government. By these forces the recent election was regarded, at least before November 8, as "only a trial heat," preliminary to a broader movement by the reactionaries, two years hence, to return to power.

Publicly the issue was joined over the municipal ownership program for street railways which was begun with Mayor Couzens' election three years ago. For thirty years, or since Pingree was mayor, this question has always served as a major issue in local elections. The other issue, which was debated little but which was the point of attack by the old-time politicians, centered around the whole new régime of government, based on the principle of non-partisan, at-large elections and centralization of authority and responsibility. Subordinate to these two issues was that of "the lid" or the policy of full law enforcement begun in 1916 when Mayor Marx, heeding public opinion, named Mr. Couzens, a business man long associated with Henry Ford, as police commissioner. Mr. Couzens began then the policy of positive suppression of all violators of law, including gamblers, prostitutes, and so-called booze-runners. His independence and zeal in this direction, naturally more prominent since saloons were abolished in Michigan by popular vote in 1916, had developed a considerable organized enmity among the "wet" or liberal elements.

The irony of the situation, which finally defeated the opponents alike of the mayor, council, and municipal ownership program, lay in the fact that

the people, at the polls, had previously and repeatedly endorsed the policies which were being carried out by the mayor and council. The old city charter, discarded three years ago, had an entire chapter devoted to municipal ownership of transit lines. This had been carried over bodily into the new charter. On assuming office Mayor Couzens and the street railway commission named by him proceeded to do what no preceding mayor had succeeded in doing: draft municipal ownership proposals, either by purchase or otherwise, which the people would approve. His first plan, calling for purchase at \$31,500,000, was defeated. His second plan, calling for a bond issue of \$15,000,000 to construct new lines in territory not served by the private company, was adopted by 63.7 per cent of the vote. With day-and-night energy the mayor began to make a record for construction and soon had cars running on a few stub end lines, to be later connected into a system which, either independently or in co-operation with the private company, was expected to solve the problem.

Despite many legal battles, which were carried even to the national supreme court, the city's case proved gradually to be established. While money was being spent, there was also a large investment of city funds, largely by bond issues, in other needed material improvements, many of which had been postponed during the war. Inevitably the tax rate ascended. Where a total of \$68,000,000 in bonds had been voted by the people, and the money was being spent for the new M. O. car lines, it also was inevitable that prevailing business depression should offer a grand opening for an assault on the city hall with the cry of "extravagance." While no serious complaints had been made publicly against the nine-man council, its mem-

bers, heeding the mandates of the people, were charged with being "rubber stamps" to the mayor.

Though not a politician himself when elected, the mayor by his acts had made himself so strong politically that there was an astonishing dearth of candidates seeking to contest the position with him this year. Finally Daniel W. Smith, previously unknown to public life, offered himself as the lone contestant. In the primaries a third candidate, frankly announced as a Socialist, was speedily eliminated. For the council positions also there were relatively few offerings, and for the same reason as controlled the mayoralty situation: the administration as a whole had sought to do as the people had ordered.

MAYOR CHARGED WITH BOSS RULE

Though publicly professing his allegiance to the principle of municipal ownership, Candidate Smith made the issue one of alleged extravagance in the city hall, and of mismanagement in the municipal ownership department. His chief campaign cry was "bossism," in which he included the mayor, the *Detroit News*, which has for years led the municipal ownership forces, and all other individuals or groups that by any means could be aligned with the mayor's program. Bitter personalities, charges, and countercharges featured the campaign, to the practical exclusion of intelligent criticism of the administration. The short and ugly word was used all too frequently, but chiefly by the mayor's opponents. Their campaign was cleverly staged and managed by a former newspaper man who, oddly enough, had managed Mayor Couzens' campaign three years before. In view of Mr. Smith's recognized lack of experience in civic affairs, his public statements consisted chiefly of daily articles printed by the *Free Press and Journal*,

which had never favored municipal ownership. It was on details of the M. O. plan that attacks were made, and there was a general cry of dictation and boss rule raised against the mayor, the *News*, and the Detroit Citizens League.

Thousands of votes were cast for the mayor because of his vigorous services for municipal ownership. Thousands also went to his cause on account of the vague and foolish attempt that was made to show him up as incompetent in administration of city departments. The people accepted the view that, as the mayor said, he had only sought to do the public will and do it with whole heart. Graft, corruption and favoritism have been unknown. On several occasions the mayor and councilmen gave an account of their stewardship, going into all the details desired by the audience. At every point, even in the field of personalities such as belong in no city campaign, the final vote showed that the mayor and council had done their duty and deserved re-election.

JOHN C. LODGE RE-ELECTED

Couzens received 72,198 votes, Smith 38,895, a majority of almost two to one for the mayor. Eight of the council were returned with heavy votes, and a moderate labor candidate, who declares himself unpledged to any single group, becomes the ninth man. John C. Lodge, a veteran in service, was re-elected president of the council and ex-officio a member of the important election commission. A proposed amendment to the charter which would restore the ward system of elections, with twenty-four wards and twenty-four councilmen, was defeated by 33,990 to 67,875.

Besides several other special questions submitted to vote, all decided on the basis of general intelligence, two in

particular will affect the municipal ownership program. An ordinance requiring the Detroit United Railway to vacate two trunk line streets, where their franchises had expired, was approved by 72,268 to 36,353. The city also was authorized to utilize trackless trolley buses as a part of the street car system.

This election confirms, apparently, the municipal ownership idea as the permanent policy of Detroit. Already there are signs that the D. U. R. expects to co-operate with the city and gradually cease its long fight against public ownership and control. In the broad civic field honesty and efficiency, as well as courage and political independence, have been vindicated. A

long series of local reforms have been supported.

But the character of the recent campaign may well give pause to possible candidates for the mayoralty two years hence — as the campaigners are said to have planned in advance. And it is fairly certain that the next campaign will witness a battle royal between the majority who have worked for better things, and the minority who prefer invisible government, ready access to city contracts and jobs, control by politicians who have party connections in the state and nation, less iron efficiency in the police department, and the ready promise of “low taxes” as bait for the careless business man who “has no time for politics.”

CLEVELAND REVOLTS

BY CHESTER COLLINS MAXEY

Western Reserve University, Cleveland

As all the world knows, Cleveland on last election day adopted the city-manager plan with proportional representation to go into effect two years hence. :: :: :: :: :: :: :: :: ::

NOVEMBER 8, 1921, will long be memorable in Cleveland as the day of the great political earthquake. When the charter amendment embodying the manager plan and a council elected by proportional representation was proposed last spring, it was greeted with arched eyebrows and suppressed guffaws among the “best” people, and with a roaring, raucous, horselaugh among the politicians. “Doc” Hatton was peddling his nostrums again! A professor in politics! It was to laugh! And in order to provide further merriment the dominant political organization framed and perpetrated upon the deluded reformers a huge practical joke that caused “the boys” nearly to

choke with laughter. Upon the filing of the initiative petition by the proponents of the manager plan the clerk of the board of elections suddenly developed a conscientiousness in the scrutiny of signatures that postponed action on the petition until under the law it was too late to secure a special election. According to the scenario a “fadeout” for the reformers was indicated at this juncture, but the reformers refused to fade. Quietly they withdrew the petition and set about the circulation of another, and when this second petition was filed it was discovered that not only did it contain nearly twice as many signatures as the first, but that each signature had been so checked

and verified that there was nothing for the board of elections to do but certify it to the council and nothing for the council to do but order the proposed amendment on the ballot at the general election on November 8.

The campaign in connection with the city-manager amendment was quite devoid of the spectacular. The supporters of the amendment lacked the money to attempt anything spectacular, and the opponents apparently thought it unnecessary. Mr. A. R. Hatton, as the prime mover in the circulation of the petition, naturally became the leading champion of the amendment on the stump. Mr. George B. Harris, an attorney of prominence, was in some way elected to head the opposition. The principal feature of the campaign was a series of joint debates between these two, which covered practically every section of the city and culminated in a great debate before the City Club. In appraising the effect of these debates it may be said that it is generally agreed that Mr. Harris made about as many converts for the manager plan as did Mr. Hatton. Indeed, it was characteristic of the campaign that whenever the opponents of the manager plan made a move, they helped the manager amendment more than they hurt it. And this was particularly true of the hysterical opposition of the *Cleveland News* and the skeptical attitude of the *Cleveland Plain Dealer*. These facts, however, were not apparent until the closing days of the campaign, and even as late as a week before election day many of us who should have known better were of the opinion that the manager amendment had only an outside chance to win. Consequently there was universal astonishment when the official returns showed that it had carried by the convincing majority of 19,684.

CHARTER AMENDMENT CONTAINS NO COMPROMISE

The city-manager amendment itself deserves a special article. It is remarkable in every way—remarkable for the way it was drafted, remarkable for what it contains, and remarkable for what it accomplishes. What the amendment actually does is to repeal all but the first two sections of the existing charter of the city and to add to these two 181 additional sections which in reality comprise an entirely new charter for the city. Perhaps it were better for the present not to go into the history of the drafting of this new Cleveland charter, but it should be said that so far as the writer knows it is the only municipal charter in the country every word of which was drafted by experts and that is totally devoid of any compromise on grounds of political expediency. It is as thoroughgoing and consistent as knowledge and experience could make it. It provides for a council of twenty-five members elected by the Hare system of proportional representation. The city is divided into four districts for the purpose of electing members of the council, the districts electing seven, five, six, and seven members respectively by the proportional representation method. The disparities in membership between the districts are accounted for by disparities in population. The primary object sought in laying out the districts was not equality of population, but social and economic homogeneity. The council is required to appoint a city manager as the chief executive officer of the city, and it is provided that the manager need not be a resident of the city or state and that he shall not be a member of the council. The manager is given power to appoint administrative subordinates whose appointment is not

otherwise provided for in the charter. All such officers and employes are made immediately responsible to the manager and may be discharged by him at any time. The council and its committees are specifically forbidden to interfere in any way with appointments by the manager; and, except for the purpose of inquiry, the council may deal with the administrative service of the city only through the manager. The amendment provides for the creation of the several administrative departments and prescribes their procedure somewhat in detail. Elaborate budgetary provisions are included, and the same is true regarding civil service, franchises, special assessments for public improvements, and many other subjects. It is to be hoped that the NATIONAL MUNICIPAL REVIEW at a later time will find space for an exhaustive analysis of this extraordinary document, which becomes operative on January 1, 1924.

KOHLER ELECTED MAYOR

The second great surprise of the Cleveland election was the mayoralty contest. When Fred Kohler announced his candidacy early in the season, the "best" people held their noses and the politicians winked appreciatively. Fred Kohler was not unknown in Cleveland. Under Mayors Tom L. Johnson and Newton D. Baker he had been chief of police, and Theodore Roosevelt in an exuberant moment had called him "the best chief of police in the United States." But owing to certain erotic indiscretions, charges of gross immorality and conduct unbecoming to an officer had been preferred against him, and he had been tried, convicted, and dismissed in disgrace. Immediately he sought vindication in the political arena and became a candidate for various offices

without success until 1918 when he was elected county commissioner. He was re-elected to the same office in 1920 by an overwhelming majority, and thus was encouraged to try for the mayoralty in 1921. The Republican organization decided to back the incumbent, Mr. FitzGerald; the Democratic organization backed E. B. Hase-rodt; and Kohler with four others stood as independents. The Cleveland charter with nominations by petition and the preferential ballot was intended to favor the independent candidate, but no candidate without the support of one or the other of the party machines had ever been elected. With the field divided among seven candidates, it looked like a sure thing for one organization or the other. Two things, however, were overlooked in this reckoning: (1) that the people of Cleveland were disgusted with machine politics, and (2) the unique campaign conducted by Mr. Kohler. Mr. Kohler absolutely refused throughout the campaign to make a speech or public address; he announced no program or platform; he did not deny past misconduct or seek to extenuate it; he simply insisted that his record for efficiency and integrity was above reproach, adorned himself with his Rooseveltian decoration, and promised to give Cleveland "the best administration it has ever had." To get into contact with the voters he used a method that was completely baffling to the opposition. Having developed unusual powers as a pedestrian during the years that he served on the police force as a patrolman, Kohler undertook to make a house-to-house canvass of the city. Exactly how many homes he visited in his solicitation of votes is known only to Kohler himself, but it is certain that he managed to get over practically all of the ground that he deemed important. This type of campaign was especially disconcerting

to the other candidates because they had no means of measuring its success, and the inroads he was making upon their strength were not apparent until straw votes near the end of the campaign showed unmistakably that it was a case of Kohler against the field. The election returns showed Kohler leading from the start, and although he did not secure the majority of first choice votes, nor the majority of first and second choice votes necessary to election under the "Mary Ann" ballot, neither did any other candidate. Then under the charter it was necessary to count all choices, and Kohler was found to have a clear plurality of all-choice votes, and was therefore elected.

A MACHINE DEFEAT

Some have chosen to interpret the election of Mr. Kohler as proof-positive of the utter depravity of municipal politics, but penetrating observers will not so construe it. Kohler's two leading opponents were hand-picked machine candidates with no conspicuous personal qualities. Of the independent candidates only Kohler and one other could be taken seriously, but the latter entered the campaign comparatively unknown while Kohler was probably the most widely known individual in the city. Aside from the matter of private morality, Kohler had achieved a reputation in public life for rugged honesty, efficiency, and independence, and he was elected because of this reputation and in spite of the blot on his private life.

In addition to these two outstanding

matters the voters were called upon to elect a chief justice and three justices of the municipal court, to approve or reject two bond issues, and to vote upon three amendments to the state constitution. It is to the credit of the electorate that three of the four men elected to the municipal bench had been endorsed by the bar association and other civic bodies. Civic organizations had urged the defeat of both bond issues, but the voters decided in favor of issuing bonds for the construction of a central library building and against the issuance of bonds for a jail and criminal courts building. Considerations of economy were allowed to prevail in the one instance, but not in the other, which involved a great community service in which all were interested. The three constitutional amendments, not being municipal questions, require no discussion here.

In conclusion I would say that this election was a most inspiring event for those of us who like to believe in government not only of and for the people, but by the people. Our faith has been none too strong at times, and frequently we have been tempted to fear that "the struggle naught availeth" and that the labor and the wounds are indeed vain. But Cleveland has shown us that the people will rise to a great challenge, that they will not shrink before the big and constructive task, and that they can deal with principles as well as with men. And if Cleveland, with her 800,000 people of every race and color and creed, can accomplish such a thing, what may not democracy dare to hope!

FREE CITIZEN OR SLAVE—WHICH¹

BY J. HORACE MCFARLAND

I

A VERY great apostle, who was also a very great man, confidently cited his citizenship nearly two thousand years ago. Humble before God, this citizen Paul was proud of his civic freedom, as the Roman centurion learned whom he checked in the doing of a wrong to him as a freeborn Roman citizen. The soldier who had purchased his citizenship was apologetic before the man from Tarsus.

With this illustrious example before me, I may properly inquire whether I am a free citizen of no mean city, like Paul, and if not, why I am a slave—for in democratic America I must be one or the other despite the thirteenth amendment to the constitution. Either I am a self-respecting, participating citizen of the United States of America, using my privileges and doing my duty as a free citizen, or, neglecting all or part of my privileges and duties, I am more or less a slave to those whom I permit to take my place. I wear either the toga or the chain, or a grotesque combination. There is, there can be, no intermediate state of non-responsibility for sane persons in this land of equal suffrage, particularly since the nineteenth amendment to the constitution removed a long-endured deficiency from by far the better half of our citizenship!

What is this free citizenship which I use or do not use? What are the privileges and duties that determine my

standing as citizen or slave? How can I, indeed, be a slave in free America?

In the imperial Germany of 1914, voters were classified, and one man's vote in Berlin was, as I remember the system, equal to the votes of nearly four hundred other men of Berlin less highly placed or paying less tax. In the United States one man—or now one woman, thank God!—has one vote, and only one, regardless of place or tax. Suffrage is equal and universal, and no one else can legally cast my vote, by proxy or otherwise.

But if I do not cast it, or if I vote without knowledge or sober thought, or at the behest of a boss, my vote is wasted for the good of the nation. In failing to vote for the man or measure that would, apart from partisan claims or political "bunk," best advance my country, I have forged a link in the chain that can enslave me.

This is true, too, whether the vote is for presidential electors or for governor, for United States senator or for constable. Each time my vote goes wrong—and careless, heedless, partisan voting as such is always wrong—I add a link to my chain.

II

But there are many more ways to lengthen that chain. Voting opportunities come but once or twice a year, though the result of wrong voting may endure for many years, while my opportunities and duties as a citizen recur daily, almost hourly.

Do I fully realize that law enforcement depends upon me, a plain unoffi-

¹ President's Address at Chicago Meeting of the American Civic Association, November 14, 1921.

cial citizen, in very many ways? Law is defined as "a rule of being or conduct," and if the law be one enacted by the constituted authorities I have participated in choosing, or if I am in any community under rule of so-enacted law, I am bound to observe it. I am even presumed to acquaint myself with the law, the excuse of ignorance being no defense should I violate it. But I get the impression in these times that law is not violated unless I am caught at it; or at least that is the logical conclusion one must reach who notes the easy acceptance of successful criminality, particularly in relation to the eighteenth amendment!

Reflection convinces me that to be really free in free America I must not only myself obey the laws of the land, general and local, but must assist or support the officials, my servants, directly charged with law enforcement. If I see a murder committed, and do not do my utmost to prevent it, the law justly considers me with suspicion. Am I any less under suspicion if I see the town, the state, robbed, or laws for the general protection violated?

It is evident that by neglecting my plain duty of allegiance through law obedience and law enforcement I can add many heavy links to my chain.

In an address to the Y. M. C. A. in Washington in 1903, that sturdiest of free Americans whose voice is increasingly a clarion call for good citizenship though he has passed on, said:

We see all around us people who say, "Oh, well, things will come out all right." So they will; but not because there are men who are content to *say* that they will come out all right, but because there is a sufficient number of earnest men with the root of righteousness in them who are bound to *do* what will make them come out right.

Theodore Roosevelt lived his righteousness; he never wore a chain!

Probably in no way may I so effectively circumscribe my freedom as

a citizen, so rapidly lengthen and strengthen my chain as a civic slave, as in neglecting to participate in the intimate affairs of the community in which I live.

III

If I have even the beginnings of pride in the community in which I live, I want it to be attractive, good-looking, even beautiful. The first unit of this attractiveness, so far as I am concerned, is my own home. I am not building America right if I do not see to it that my front to the world, whether it be but one window of a single room, or a great mansion, is harmoniously pleasing. When I say front, I do not mean to imply neglect of the back—for many a bad back yard becomes easily the front of neglect and disadvantage.

It is the associated homes, business buildings, schools, churches, and the like, that make up the street and the community. Until the aeroplane becomes the conventional and preferred method of entrance, we will get into the community by the road, the rail and the water. Rather rapidly the majority entrance is coming to be by road, for it was recently discovered that nearly two-thirds of the people who came to Niagara Falls in one day in August came by automobile. Every American community has a road into it, and most American communities are reached by rail, with not so many as ought to be by navigable water.

In any case, when I have made my home good to look at as well as pleasant to live in, and when my neighbors have done likewise, there will be a pleasant approach to the town, by whatever means. But my fellow citizens have not generally done this as yet, for the average approach of an American community is anything but dignified or pleasant or indicative of the importance and public spirit of the

people whose neglect has permitted it. As the town is my larger home, my duty as a free citizen impels me, therefore, to consider carefully, and with a basis of action back of my consideration, whether the approaches are such as I am willing to stand for.

The street itself in my town may be a pleasure or a pain to the passer-by. If I have been careless about my home and my neighbors are likewise, if instead of planning for a beautiful and convenient and dignified street I have planned for the last possible penny out of the last possible square inch of land, the street is likely to be painful in its expression, and when thus painful I have missed my sordid aim. Without any exception it is found that property values are immediately enhanced on those streets which are attractive in themselves. Therefore if I neglect to use my influence, vote, voice, and opportunity as a citizen toward having attractive streets in my home community, I forge another link, this time made up of financial loss and civic shame, in my chain.

IV

What am I proud of in my town? Is it the great factories, the important places of business, the large commercial blocks, the smoke which is said to evidence industry, the billboards which evidence nothing pleasant, that I am proud of when I tell my friends about my town? Or do I tend rather to boast about the beauty of the town, whatever it is? If I did so boast, then I must have been thinking and acting, so far as my own citizenship is concerned, toward making the town better to look at by influencing associations of buildings toward a civic center, for example. I have been anxious that the churches, very considerably supported by the state through remission of taxes, should

add to the attractiveness of the town. I have considered the public buildings associated for convenience should also be associated for prideful beauty. I have insisted that the schools, conveniently situated, should be architecturally good and should provide open play space, not only for light and air, but for better maintaining and building the bodies in which are housed the minds the schools are presumed to educate.

I am usually proud, if civic pride has stirred in me, of the parks of my town, if there are any. Sometimes it is a shameful park that I show my visiting friend, because it is merely a little block of ground with a few bedraggled trees, and some more only less bedraggled junk assembled in this park or square because someone has "wished" it on the town and there is no place else to put it! I may even be proud that an antique or modern cannon is an adornment of this public place belonging to all, overlooking the fact that the English, our civic progenitors, have hidden in a museum in the Tower in London their middle-age instruments of torture while we in America are spreading them as ornaments to our public squares!

If I happen to be a forward-looking citizen as free of chains as was the great American whose words I have recently quoted, I have done my part toward securing adequate and convenient recreation for all the people of my town, and at least an acre for every one hundred people is in developed park use. I may even be thinking of music for the people, and movies for the people, and a possible dignified open-air theatre which is to take the place of the vulgar and outrageous grandstand which has heretofore been the American town's way of celebrating a great event by the perversion of pine and the degradation of the colors.

If I am a chained citizen I have accepted without effective objection the avoidable industrial smoke which coats my collars and my countenance with carbon, the perverted trees which carry a network of wires along the streets, and the billboards which sell my eyes without recourse or profit. It is without a spirit of irreverence that I pervert a Pauline utterance when I say, "Poles, smoke and the billboard, these three; but the worst of these is the billboard!"

I know, if I have begun to shake off my shackles, that economic conditions and an awakened public interest are rather rapidly forcing most of the poles off the highways, the wires they have heretofore carried being much more safely sheltered underground to the relief of the forests and to the advantage of the corporations. I have discovered that most smoke is wasteful and can be avoided, to economic advantage, and I have also discovered that it is not necessary, morally, legally or financially, to endure the smoke disadvantage.

But have I yet waked up to what the billboard does to me and my children and my friends? Do I realize that it is altogether unethical, altogether contrary to the theory that I am my brother's keeper, to have a blatant sign desiring to sell me something thrust upon me wherever I go? I admit that advertising is a vast force, and an important and indeed necessary force in the world, but I do not admit that I must submit to its seductions, or in my case to its repulsions, on the billboards seven days in the week, twenty-four hours in the day, under the modern brilliantly lighted intrusions that our great cities permit. I am coming to believe that when we are all free of chains of custom, when we have done some thinking for ourselves, we will make the merchants realize that the

conventional billboard is a definite and complete instruction *not* to buy, and then the billboard business will disappear. Meanwhile, as a free citizen I shall want to press against the billboard intrusions everywhere and all the time, in the city where the sky sign makes a great highway look like illuminated hysterics, in the country where noble scenery is subordinated to the demands of the tire merchants, and even in the lovely tree-decked village where some enterprising national lawbreaker has "sniped" his tobacco signs and his stove slogans over everything into which he can drive a nail.

V

If I have shaken off my chains and am again a free citizen enlightened by what I have had to do to be free, I am looking beyond the community through the county and the state as my concerns to the nation, which, after all, is my greatest eventual concern. I may be working with neighboring communities toward county parks for the general good, and this I say even if my community is a farming community, for I believe that more baseball and more tennis would increase the production of wheat and of milk through the strengthening energies of the farm men and the farm women.

I will be thinking in terms of state parks for the honor and glory of my commonwealth. I shall want to have great memorials peculiar to the state preserved for all time as precious possessions, and I shall insist also that the larger recreational use not practicable for the community is served in the open areas for camping and living next to nature, that only the state can properly provide.

Then I will begin to sing truly, and not perfunctorily, the national hymn. I will love the rocks and the rills, and pro-

tect the templed hills that have wisely been included in the national parks. I will protect them against the selfish interests which want them for any purposes other than those which serve every citizen—recreation, education, enlargement. I will insist that the Yosemite and the Yellowstone, that the glaciers and the big trees, that the mountains and the valleys now in the national domain be held and developed as a sacred trust not only for me, but for mine that are to follow. I will resist with my vote and my money and my voice the insidious attacks of those who for selfish interests would destroy or diminish the glory and the usefulness of these items of patriotism I have sung about.

Yes, I may even insist that some time before the voice of Niagara is wholly stilled or substituted by the roar of the turbines, that that greatest glory of God on the western hemisphere is to be kept as His spectacle and not as a great workshop.

Is all this a dream, a phantasy? Not at all. No item has been mentioned which is not my responsibility and yours. Nothing has been discussed which is not within my privilege and my responsibility as a citizen. The determination of my relationship to these things and to the others which will occur to the mind of thoughtful men and women is in the last analysis my own determination as to whether I will be a free citizen or a slave.

DEADLOCK IN PUBLIC UTILITY REGULATION

IV. THE CHARACTER OF THE COMMISSIONS, AND WHAT SHOULD BE DONE

BY JOHN BAUER, PH.D.

Consultant on Public Utilities, New York

For the present at least, regulation will be found more desirable than public ownership or service-at-cost. But partisan politics must be driven out and the personnel of public service commissions improved.

IN previous articles, the writer discussed the failure of public utility regulation to develop sound financial policies, to provide an adequate machinery for proper adjustment of rates upward or downward according to changing conditions, and to determine and enforce economical methods of operation. Regulation has thus permitted the continuance of higher operating costs and higher rates than necessary, and has helped to bring about financial impairment of the companies.

The catalog of sins—particularly of

omission—is great and the question naturally arises whether regulation has not been such a failure that the commissions ought to be abolished and the policy of regulation abandoned. While no conclusive answer can be made, for it depends predominantly upon personal point of view, to the writer, who has tried seriously to avoid bias and to keep in mind only the requirements of economical service at the lowest possible rates, it seems a hasty and undue conclusion to abandon regulation altogether because there have been

grave deficiencies and failures. The chances of removing the difficulties appear much better than the establishment of any other general policy of protecting and promoting the public interest in the various important services.

ALTERNATIVES TO REGULATION

Regulation has become established as a general public policy toward utilities. In the first place, it would be exceedingly difficult to bring about an abandonment of a policy which has so thoroughly become a part of our accepted legal and public points of view. Second, it would be still more difficult to substitute another plan with the hope of universal acceptance to meet squarely the requirements of economical service at reasonable rates. There are only two general policies which might be considered as alternatives to regulation: (1) direct municipal or public ownership and operation, and (2) operating contracts between municipalities and companies. Space prevents an adequate discussion of either alternative, and we may confidently assume that the utilities cannot be turned over to the companies as strictly private enterprises without any regulation or control for public purposes.

There are many *pros* and *cons* in regard to public ownership and operation. All arbitrary constitutional and legal restrictions should, of course, be removed so that every municipality would be free to determine for itself its own policies. If any city wishes to undertake direct municipal ownership and operation, it should not be prevented, but it must be able to finance the proposition, and all private investments must be reasonably safeguarded to make impossible any real confiscation of property.

At the present time, however, it is

exceedingly doubtful whether this proposal could be carried out in many municipalities, because of the political and financial conditions, also because of apparently unfavorable public sentiment. While undoubtedly there are places where it would succeed and under the particular circumstances would offer the wisest course for the community, as a universal proposition it cannot be confidently offered to replace regulation. To anyone acquainted with municipal government, it is clear that before satisfactory public operation can be reasonably expected, with efficient management, we must not only have a great change in public sentiment, but particularly a thoroughgoing reorganization in governmental form so that the officials charged with administrative responsibility will be selected for their technical or professional ability and not because of their political connections.

The second alternative,—special operating contracts between municipalities and companies,—has not been extensively tried to justify much of an opinion as to its reasonable expectations in conserving adequately the public interest in the utilities. The service-at-cost contracts between a number of municipalities and street railway companies have not proven such an unqualified success to recommend them as a general policy for the country at large. Such agreements may serve excellently in particular circumstances, especially where the cities are in a sufficiently powerful tactical position in negotiation to force from the companies reasonable terms for the public. Frequently if not usually, however, the companies are entrenched with such special privileges that they have the advantage in negotiation and are able to exact unduly favorable terms for themselves, especially if the cities are seriously

determined upon a cost of service agreement.

Personally, I feel convinced that there is no single way which leads to a universal solution for all the cities under all circumstances. In some instances direct municipal ownership and operation will be appropriate and should be adopted. In other cases, the service-at-cost plan will be practicable and will meet excellently the particular situation. In general, however, not only are the political, tactical and operating conditions unfavorable for the universal introduction of these alternatives, but there is the extreme difficulty of deliberately bringing about a country-wide reorganization and introduction of a new policy.

Let me emphasize that the advantages of regulation are its actual country-wide existence and its fundamentally sound purpose of conserving the public interest within the limits of private rights. Moreover, it is clothed with all the force of the police power, which may override private pretensions and mere obstruction for the public good, provided there is no undue confiscation of property. If vigorously and intelligently exercised, it can effectively dispose of unjustified claims and demands which would stand as almost insurmountable obstacles to the introduction of successful municipal ownership and operation or desirable service-at-cost plans.

THE DANGER OF EXCESSIVE VALUATIONS

If a city were to proceed directly with an announced policy of municipal ownership and operation or the introduction of a service-at-cost plan, except under unusually favorable circumstances, it would be compelled to recognize undue valuation of the property and thus immediately handicap the success of the undertaking. Even

if it could acquire the property through condemnation, it would almost certainly have to pay excessive amounts not only for the physical plant and equipment, but for the franchises and the right to operate which usually represent no investment and would not be allowed any value under effective regulation. Similarly, in bringing about a service-at-cost contract, it would usually be compelled to recognize a greater valuation on which a return would be allowed than is just to the public. This has been the repeated actual experience, due to the eagerness of the city to proceed with a particular plan which the companies are not compelled to accept. The city would usually be at a disadvantage in the negotiations, and the companies would profit accordingly.

PRACTICAL ADVANTAGES OF REGULATION

The chief advantage of regulation, therefore, is not only its universal existence, but vested with the police power it is able to impose directly upon the companies what it itself deems to be desirable or necessary for the public welfare. If vigorously pursued and based upon clear understanding of what is desirable and necessary for permanent public policy, it can directly without negotiation eliminate all unjustified claims of investors, establish outright the amount of the investment upon which a return is allowed, and otherwise fix the terms for proper service at reasonable rates. The valuations thus fixed are conclusive, subject to review by the courts, whether they are satisfactory to the companies or not, or whether they would be acceptable in negotiations for a municipal ownership or service-at-cost contracts. Similarly in other matters affecting the public interest, intelligent regulation can cut through all technical obstacles and

pretenses, look only to the realities of the private rights, and fix such terms and conditions of service as are reasonable. This, let me emphasize, would be achieved through the exercise of the police power as an act of sovereignty, and not through negotiation for purchase or contracts involving the use of the properties. This is the fundamental advantage of regulation as a universal policy over alternative methods.

If on the one hand regulation has the advantage of existence as a general policy and has the power to cut through arbitrary obstacles raised by private interests against public requirements, but if nevertheless it has signally failed in carrying out fundamental public purposes,—is not the more promising course to modify and invigorate regulation to make it an effective and workable proposition rather than turn to other ways which in most instances are probably blocked with even greater difficulties?

THE POLITICAL CHARACTER OF PUBLIC SERVICE COMMISSIONS

The outstanding difficulty of regulation is one that can be remedied to a large extent if there is a moderate public opinion reasonably well organized to bring pressure upon the appointing power of the commissions. With comparatively few exceptions, the commissioners have been appointed not for their understanding of the problems and methods of regulation, but because of their political connections and party services. Moreover, political factors have become increasingly powerful since the earlier commissioners were appointed. The commissions, with few notable exceptions, have had little interest in their responsibilities and have not understood or even been aware of the problems confronting them. They have been more eager to

forward their personal political connections and to support the strategical movements of their party organizations than to study the requirements of regulation and to establish suitable machinery and methods for the purpose.

Because of the political connections, the commissioners have not only had little interest in their responsibilities but have often if not usually deliberately dodged them in order to play safe with political consequences. They have simply followed the characteristic political course to take no positive action that can be avoided and might cause opposition. To safeguard their political connection, their chief concern has been to dodge responsibility and to "pass the buck." This fact has further resulted in preventing men of real ability from accepting appointments and has gradually bound the technical departments with red tape, transforming them into traditional governmental bureaus interested largely in self protection rather than in serious and vigorous public efforts.

Personally I have been closely acquainted with the technical departments of one of the leading commissions of the country. I know the ability and zeal that characterized the original staff and I know how these fine qualities have been "red taped" by repeated frustration of effort. The sham of successive reorganization of the commission, the obvious insincerity of every new lot of appointments, and the inevitable injustice incurred by the technical men through numerous and changing political appointees, have gradually driven many of the best men from the service and have reduced most of the rest to mere job-holders. The decadence of the personnel and spirit of this commission is a depressing fact to anyone who knows the history and is interested in sound public policy and administration.

ELIMINATE PARTISAN APPOINTMENTS
AND REMOVALS

Now, why is it not possible to have the commissions appointed for their ability to serve and to retain them as long as their services measure up to their responsibility? The positions are quasi-judicial in character and if properly filled require profound understanding of public policy and technical detail of procedure. We succeed moderately well in the appointment of judges, requiring the requisite ability even if political considerations are not entirely eliminated from the selection. Why cannot the same standards be applied to the appointment of commissioners, with the same continuity in office, raising the positions above the spoilage of sheer partisan appointments?

This is the necessary reform if regulation is to be made effective. It must precede the establishment of sound principles and workable methods. The right men can be found if they are chosen for their ability and are given a free chance to serve. Most of the commissions have had technical men whose ability should have been recognized by promotion. Moreover, in spite of the political control, high-grade men have been appointed repeatedly who took their task seriously and proceeded to perform their public duties conscientiously. These men should have been left in their positions to continue their services, but almost invariably with a change in political administration, they have been removed from office and succeeded by new partisan appointments.

The decadence of the commissions and the poor opinion that has come to be held of appointments is probably due more to the removal of men with proven ability and conscientious service than to the original political factors determining the appointment. Political

removal, therefore, has undoubtedly been even a more serious evil than political appointment. But the two have gone together and have worked cumulatively for the degradation of the commissions.

The elimination of politics, or the greater portion of it, both from the appointment and the removal of commissioners is entirely feasible, if the need is clearly comprehended and an effort is made by comparatively few non-partisan interests well organized to secure publicity and bring pressure upon the appointing power. For example, the Municipal League, acting with local civic organizations and enlisting the support of a few progressive and influential newspapers, could practically prevent the filling of commissions with mere politicians. These forces could bring about the successful reappointment of good men and could compel the recognition of merit by appointments from technical staffs. While not reaching directly the masses of voters, they could bring about intelligent and forceful public opinion, which comparatively soon would place the commissions in a proper exalted position and prevent their descent into the sloughs of party politics.

DIVERSE RESPONSIBILITIES COMPLICATE
REGULATION

There is, however, another non-political feature of the commission's work which nevertheless tends to prevent aggressive action and which therefore should be clearly understood and intelligently provided for. The commissions form an unusual combination of legislative, administrative and judicial functions, and in this extraordinary combination they represent on the one hand directly the interest of the public, while at the same time, they must pass on judicial questions affecting the

rights of the companies. In fixing reasonable rates, or in other matters, they must represent directly the public interest, but they must also regard the equities of private investors. In other words, they must appear both as council or prosecuting attorney for the public and act as judge in the private interests that are affected.

These are rather incompatible responsibilities which for the most part are avoided in our system of law. In rate cases the public and private interests, of course, have been antagonistic, and under our general system of law each party would have been expected to present its claim before a judge who has no direct interest in either side. The commissions, however, are expected by the law to represent actually the public and to pass judicially on the antagonistic claims under consideration. This is often a difficult and embarrassing task, which naturally would make men hesitate to proceed too vigorously with public responsibility.

In a large measure, however, this conflict of duties is inevitable and for that very reason, the highest class of ability is needed on the commissions. They simply must have men with understanding and personal force to carry out their difficult responsibilities. They have no place for persons brought up and skilled in the game of "passing the buck." Their job is to protect and advance the public interests with justice to private investment, and they must be adequately equipped to carry out this complex duty.

While these inconsistent responsibilities are inevitable, their influence to slow down action must nevertheless be recognized. For this reason, perhaps not consciously expressed, the larger cities often appear by counsel before the commissions to press actively the public rights in rate cases. The companies invariably are represented by

counsel not depending upon the commissions to act without such appearance. The development of the corresponding municipal representation by counsel has followed a natural tendency and should be greatly extended. The cities as such have no quasi-judicial responsibilities, are in closer touch with public opinion, and will therefore press more energetically the public needs, compelling the commissions to take more speedy and positive action.

But in spite of desirable municipal appearance before the commissions, these bodies cannot be freed from their conflicting responsibilities. To carry out their larger duties they must constantly make investigations into service and methods of operation and work out principles and methods to forward the public welfare. They are essential as expert bodies to determine the facts, formulate desirable public policy, and to carry it out; in this they must act directly for the public with judicial regard for private rights. Consequently they must have the highest grade of personnel, endowed with requisite understanding and zeal to carry out their responsibilities into vigorous public action.

With the proper commissions, understanding the problems and eager to work them out, the difficulties of regulation would soon disappear and the existing deadlock would naturally dissolve. The laws are for the most part adequate and they can be amended if there is need. Also the requisite technical knowledge exists, if only the commissions had it and translated it into progressive action.

The chief immediate task, with properly equipped commissioners, is to provide a mechanism for continuous rate making and to restore the solvency of the companies. This is a tremendous job, and yet it could be easily enough accomplished if intelligently

undertaken and vigorously pressed. It requires first of all the valuation of the private property devoted to the public service and the determination of the private rights as to future returns. These matters should be settled once for all in every case, so that in future the facts would be constantly shown by the accounts and it would be a mere arithmetical task to fix the necessary increases or decreases in rates. But this requisite, together with others, has been discussed in previous articles and need not be further considered.

Proper regulation is a tremendous

responsibility, but it can be carried out. It requires understanding, public vision, justice, common sense and forcible resolution and enterprise. Men with those qualities are available if we insist upon their selection. The rest is a matter of investigating facts, determining policies and providing adequate machinery and methods to carry out the public purposes, without injury to private rights. All this, to be sure, is the essence of successful regulation, but it can be achieved readily enough if only we have the right personal qualities on the commissions.

A REVIEW OF CITY PLANNING IN THE UNITED STATES, 1920-1921

BY THEODORA KIMBALL

Librarian, School of Landscape Architecture, Harvard University; Hon. Librarian, American City Planning Institute

The annual review by Miss Kimball reflects increasing activity in city planning and zoning. For example, more than thirty states now have laws relating to some phase of city planning. :: :: ::

It is gratifying to the writer, as to all those actively interested in city planning in the United States, that there is far too much news of progress to be compressed into the space of a brief article. Ten years ago the term "city planning" was little known and less understood. In the last year or so, Ohio, Illinois, Indiana, Michigan, Minnesota, Missouri, Kansas, Texas, Tennessee, Connecticut and Rhode Island have passed laws relating to city planning and zoning.

The Massachusetts legislature will shortly be asked for a field secretary for the division of housing and town planning¹ in the state department of public welfare. The Ohio State Conference on City Planning has an aggressive

legislative program, adopted last October, to secure a comprehensive series of laws for Ohio.

The Realtors of California have been leading an educational campaign. Portland, Oregon, announces a successful gift campaign initiated by the mayor's proclamation, which secured 150 dedications for streets and parkways from public-spirited citizens in accordance with the city plan commission's major street plan.

To single out a few "high-spots" in individual municipalities, Philadelphia carried its \$33,000,000 loan ordinance for public improvements four to one and can point with pride to a remarkable precedent in the Fairmount Parkway; Cleveland approved by an overwhelming vote the tax levy for the ac-

¹ First Annual Report for 1920.

quisition and improvement of park lands by the Cleveland Metropolitan Park Board, and has added another unit to its civic center; and Chicago, St. Louis, and Detroit, each with an exceptional number of projects, are marching steadily on their well-blazed ways. Los Angeles reports that city planning has been put into all the high schools, the University of California, and the University of Southern California. Universities in several other states are offering extension lectures on town planning topics.

PUBLICITY METHODS

A considerable number of cities have recently introduced or are about to begin the study of city planning in the public schools, among them Johnstown, Akron, Cleveland, Detroit, Decatur, and Omaha.

Two cities, besides the ever active pioneer Chicago, are conducting educational campaigns among their adult citizens, which deserve special mention: Pittsburgh and Cleveland.¹ These cities have distributed leaflets and fliers well calculated to attract, hold, and enlist their voters, by clever cartoon, succinct statement, and reasoned argument. Two committees of the City Planning Conference which reported at Pittsburgh had reference to publicity methods: one on moving pictures, and the other on the airplane in city-planning work.

RURAL DEVELOPMENT AND THE GARDEN CITY IDEA

An opportunity for a great national demonstration of agricultural community development on sound lines is set forth in Mr. Thomas Adams' report

on the proposed farm city² near Wilmington, North Carolina. Under the leadership of Mr. Hugh MacRea, agricultural colonies have already been successfully started in this region. The first convention of the Tri-State Development Congress (Michigan, Minnesota, and Wisconsin) included rural community planning in its program.³ Señor C. Montoliu has prepared a unique report for the single tax colony at Fairhope, Alabama.⁴

A plan of great interest, adapting the garden city idea to an existing American town, is Mr. John Irwin Bright's for Coconut Grove, Florida.⁵ This proposes a "productive park strip" owned by the municipality surrounding the heart of the town. The plan, discussed by Mr. Thomas Adams,⁶ seems less feasible under present American conditions, than Mr. Adams' new proposal to substitute "agricultural wedges" for "zones," following a discussion at the Baltimore meeting of the American City Planning Institute last winter.

REGIONAL PROJECTS

Several noteworthy examples of regional planning are in progress. Mr. Olmsted and Mr. Comey have made a survey of the Main Line District of the Philadelphia region and prepared a comprehensive plan, including a metropolitan park system,⁷ in a report to the Main Line Citizens' Association.

² Farm Cities Corporation (Wilmington, North Carolina), Publication No. 2, January, 1921.

³ Report of Proceedings, St. Paul, 1921.

⁴ See American City, April, 1921; also report in *Enclaves of Single Tax*, by Fiske Warren.

⁵ Journal of the American Institute of Architects, April, 1921.

⁶ Journal of the American Institute of Architects, October, 1921.

⁷ Brief digest and park map reproduced in City Parks Association of Philadelphia, combined thirty-first and thirty-second annual reports.

¹ Note especially: "The People's Business in the Fifth City" and "Zone Plan" (Cleveland) and "Progress" (Pittsburgh).

The city of New York in co-operation with surrounding municipal and county authorities is planning a highway system for the whole metropolitan area, with the special advice of Mr. Nelson P. Lewis. Most important of all to our national economy is the port treaty recently signed between the states of New York and New Jersey and approved by the federal government to encompass the comprehensive development of one of the great port areas of the world.

COMPREHENSIVE PLAN REPORTS

General plan reports have been issued for seven cities: Hamilton,¹ Ohio; Decatur² and Joliet,³ Illinois; Newton,^{4a} and Gardner,^{4b} Mass.; Bristol,⁵ Connecticut; and Jersey City.⁶ Most of these reports show keen appreciation on the part of city planners of the importance of "selling" the plan through an attractive form of publication. The folio size and handsome illustrations of the Newton plan distinguish it. The Jersey City report is also fully illus-

¹ The City Plan of Hamilton, published by Chamber of Commerce, 1920, Harland Bartholomew, city plan engineer.

² The Decatur Plan, made for the City Plan Commission of Decatur by Myron H. West of the American Park Builders, 1920.

³ City Plan of Joliet, by Edward H. Bennett and William E. Parsons, assisted by H. T. Frost, published by Joliet, City Plan Commission, 1921.

^{4a} Report of the Planning Board, Newton, Massachusetts, September, 1921. Combined annual reports for 1919, 1920, and 1921, including a special report upon a system of thoroughfares, parks, and playgrounds, by Arthur A. Shurtleff, and a zoning plan and ordinance, prepared by John P. Fox.

^{4b} Report to Planning Board, by Kilham, Hopkins and Greeley, 1921.

⁵ Local Survey and City Planning Proposals for Bristol, Connecticut, by John Nolen, 1920.

⁶ Jersey City Development Plan, prepared by direction of the Board of City Commissioners of Jersey City, 1920, by a board of engineers.

trated. The Joliet report contains some fine renderings in color. Of special interest in the Hamilton plan is the section "Legal powers affecting the city plan of Hamilton," by Alfred Bettman, Esq., of Cincinnati.

The Wheeling, West Virginia, Improvement Association has issued some abstracts of reports on several phases of a city plan for Greater Wheeling.⁷ Kansas City, Kansas, has had valuable advice from Mr. Thomas Adams⁸ as to its future development. The combined annual reports for 1919 and 1920⁹ of the City Parks Association of Philadelphia is a live publication, stimulating to read, and an object lesson of what energetic foresight can accomplish.

The single volume containing the annual reports for 1915-1920¹⁰ of the Providence, Rhode Island, city plan commission shows zoning undertaken and realization by a wide-awake commission of the need for a comprehensive plan. The broad scheme in preparation for St. Paul is described in the *Engineering News-Record* for November 3, 1921. Many other cities have plans in preparation. One regarded with especial interest is Springfield, Massachusetts (Technical Advisory Corporation and Olmsted Brothers).

The City Club of Portland, Oregon, has issued¹¹ through its city planning bureau (E. T. Mische, chairman) a tentative *City Plan of the West Side Flat*.

MAJOR STREET PLANS

Portland's city planning commission issued in January, 1921, its *Major*

⁷ Morris Knowles, Inc., consultants, 1920.

⁸ City Planning and City Building for Kansas City, Kansas, presented in report of Thomas Adams, and in address of A. D. Albert at annual meeting of the Chamber of Commerce, 1920.

⁹ 31st and 32d.

¹⁰ 2d to 7th.

¹¹ October, 1921.

Traffic Street Plan, Boulevard, and Park System,¹ Charles H. Cheney, consultant, showing careful original study and also reference to previous city-planning work in Portland. The *Cleveland Thorofare Plan*² came out in the spring of 1921, excellent as publicity material as well as thoroughly studied.

The method of preparing the *Major Street Plan of Pittsburgh*³ is worthy of note. A sub-committee of the Citizens' Committee, with Messrs. F. S. Bigger and Harland Bartholomew as experts, thrashed it out patiently so that it represents to an extraordinary degree a consensus of opinion.

CONTROL OF STREET SYSTEMS

The enforcement of a major street plan and the regulation of street location in residential subdivisions have continued subjects of live interest. The January, 1921, meeting of the American City Planning Institute was largely devoted to it, and the subject was again debated at Pittsburgh in May.⁴ Mr. Frank B. Williams' article, "Enforcing the City Plan," in the REVIEW for July, 1921, is important. The city of New Bedford, Massachusetts, has an unusual and practical method of dealing with plats, the mayor and alderman constituting a board of survey. Rochester, New York, has issued revised platting regulations.

SPECIAL STUDIES

A report⁵ of considerable interest comes from the Minneapolis Civic and

Commerce Association on street illumination, and contains a systematic analysis of street-lighting problems. A special park system report for a small Iowan city is that for Ottumwa prepared for the park board, 1920, by Mr. L. W. Ramsey.

A study of the *Newtown Creek Industrial District of New York City*, put forth by the Merchants' Association, 1921, shows the marked port terminal advantages of a still undeveloped district close to Manhattan.

PORT TERMINAL DEVELOPMENT

Undoubtedly the most important city planning document of the year is the *Joint Report of the New York, New Jersey Port and Harbor Development Commission*.⁶ After an exhaustive study, the commission, created in 1917 of eminent engineers, has presented a comprehensive plan and recommendations for the development of the whole waterfront area of Metropolitan New York. The commission sees the port problem primarily as a railroad problem, and believes that the carrying out of its comprehensive plans would go far towards reducing the high cost of living not only locally, but in all parts of the country.

Subsequent to the inter-state commission's report, there has been issued an independent report,⁷ with different plans, by a New York City special committee headed by the chief engineer of the board of estimate and apportionment.

An inland waterway report of importance in the development of the lake port of Chicago was made in 1920 by Mr. Van Vlissingen to the City of

¹ Bulletin No. 7 of the Commission.

² Cleveland City Plan Commission, Robert H. Whitton and Frank R. Walker, advisors.

³ Issued by the Citizens' Committee on City Plan, September, 1921.

⁴ See Proceedings of the National Conference on City Planning, Pittsburgh, 1921.

⁵ Issued in mimeographed form.

⁶ Published in 1920, with maps, plans, illustrations, etc.

⁷ Preliminary Report concerning the Brooklyn-Richmond Freight and Passenger Tunnel, October 15, 1921.

Chicago Committee on Harbors, Wharves, and Bridges.¹ It advises favorably as to the feasibility of developing Calumet Harbor as a public terminal on the Lakes to Gulf waterway system.

RAILROADS

Two cities making progress in solving the railroad problem are Dallas and Los Angeles. Dallas has already accomplished much in track removal and elevation, according to the plans made by Mr. Kessler and the late Mr. John F. Wallace, and promoted by the Metropolitan Development Association.² The railroad commission of California ordered on April 26, 1921, the Plaza Union Terminal Station for Los Angeles to be proceeded with. The exhaustive report³ of the chief engineer of this state commission, published in 1920, is the basis of procedure. It should be noted that the California railroad commission is an important city-planning agency, and one with exceptional powers to produce results.

RAPID TRANSIT

The St. Louis city plan commission has published another of its series of special studies, dealing with *The St. Louis Transit System, Present and Future*.⁴

The transit commission of New York City, appointed under the acts of 1921 to relieve the intolerable situation in New York, has issued a statement and outline of plan of readjustment for the

New York City street railroads,⁵ promising to publish shortly a general plan for building the new lines immediately required.

A recent report,⁶ prepared by the city engineer co-operatively with other officials of Seattle, proposed a rapid transit down-town subway loop for Seattle to provide for future growth. A rapid transit belt subway is under construction at Cincinnati at remarkably low cost owing to the exceptional topographic opportunities.

HOUSING

The United States Senate committee on reconstruction and production⁷ included in its report a recommendation for the establishment in the department of commerce of a division "for the gathering and dissemination of information as to the best construction practices and methods, technical and cost data, and matters relating to city planning, etc., in order to encourage standardization and improved building practices throughout the country." A division of building and housing (under the bureau of standards) has been established, with Mr. John M. Gries as chief, and advisory committees on building codes, plumbing (sub-committee), and zoning have been appointed by Secretary Hoover. The division is succeeding in securing co-operation from the producing industries which looks towards a decided improvement in the housing situation.

Mr. Veiller's revised *Model Housing Law* of 1920, with its many material changes, and Mr. Leifur Magnusson's *Housing by Employers in the United States*, long delayed in appearance as a bulletin⁸ of the United States bureau

¹ Plan and report, Lake Calumet Harbor, 1920.

² See *Engineering News-Record*, October 20, 1921.

³ Report on Railroad Grade Crossing Elimination and Passenger and Freight Terminals in Los Angeles.

⁴ Published 1920, Harland Bartholomew, consultant.

⁵ September 29, 1921.

⁶ Unpublished.

⁷ 66th Congress, 3d session, Report No. 829.

⁸ No. 263, October, 1920.

of labor statistics, are both important to city planners.

ZONING

Zoning has taken the country by storm. Some of it is being done in advance of even preliminary comprehensive planning. It is expected that Secretary Hoover's advisory committee on zoning, consisting of Messrs. Lewis, Olmsted, Bassett, Veiller, Moses, Knowles, Ihlder, and McFarland will promote a sound knowledge of what zoning is and what steps should be taken to secure its advantages.

A comparison of recent compiled lists of zoned cities shows that nearly fifty have passed zoning ordinances and that about twenty states have enabling acts. Probably a hundred cities have zoning plans started, under way, or almost completed. The very valuable pamphlet by Mr. Bassett, *The Board of Appeals in Zoning*, gives a list with dates of the state and city laws, as an appendix to its lucid statement of the workings of this important piece of mechanism in the administration of a zoning ordinance. This pamphlet brings up to date Mr. Bassett's supplement to the NATIONAL MUNICIPAL REVIEW for May, 1920. The October, 1921, Supplement to the REVIEW gives more compiled information on *The Law of Zoning*, by Mr. Herbert S. Swan.

Any detailed analysis of zoning progress for 1920-21 would be impossible in the scope of this present article. A few of the printed reports which may be secured and examined may be mentioned,—for Pittsburgh¹ and Evanston² (Bartholomew), Cleveland³ and Dallas⁴ (Whitten), East⁵ and West

Orange,⁶ New Jersey (Technical Advisory Corporation, Ford), Cliffside Park,⁷ New Jersey (Swan), and San Francisco⁸ (City Planning Commission). The second annual report of the Buffalo city planning committee of the council (Harry J. March, engineer) deals largely with zoning. The Omaha ordinance (Bartholomew) has not been published.

Zoning has been in operation in New York for five years. A striking effect of the zoning regulations is the far greater average of picturesqueness in the high buildings erected since 1916. More imagination must go into their design, and thus to the city, through the exercise of the police power for welfare and safety, has come a new source of beauty.

CIVIC ART

A publication that brings forcibly to mind the advance in civic art in the last generation is the new Catalogue of Works of Art belonging to the city of New York, published by the art commission and covering the works acquired since its appointment in 1908. The well-chosen illustrations stand proof of the great service which art commissions may render to our cities and the pleasure which well-designed outdoor statuary and monuments may bring.

That we should not be afraid to work consciously for organic beauty

City Plan Commission and the Chamber of Commerce, Metropolitan Development Association.

⁵ East Orange Commission on Building Districts and Restrictions. Tentative Report, November 12, 1920.

⁶ West Orange Commission on Building Districts and Restrictions. Tentative Report, June 1, 1921.

⁷ Zoning Ordinance and Building Code, 1921.

⁸ Approved October 3, 1921.

¹ Issued by Department of City Planning.

² Zoning Ordinance, 1921.

³ The Cleveland Zone Plan (tentative), report to the City Plan Commission, 1921.

⁴ Proposed Zoning Ordinance, prepared by the

in city planning was the plea of Mr. George B. Ford at the Pittsburgh city planning conference. In a reaction from the esthetic emphasis due to the real source of our American city planning movement — the World's Fair at Chicago — we seem to have swung too far. We have now a chance to refresh ourselves at the fountain source. In Charles Moore's *Daniel H. Burnham*,

Architect, Planner of Cities, just published,¹ we have revived the work of American artists in producing a beautiful "white city" out of ugliness and seeming impossibility, and in adapting to the twentieth century the nobly conceived but neglected plan of our capital city. The book is a great contribution to the cause of all civic art.

¹ Houghton Mifflin Co., 1921. 2 volumes.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

St. Paul Votes on New Charter.—On December 29, St. Paul will vote on a new charter to replace the present commission form of government. The new charter, to which the St. Paul Bureau of Municipal Research and other organizations are opposed, provides for a mayor and council of fifteen. The mayor has the power to appoint and remove the various administrative heads and boards, but a separately elected comptroller prepares the budget under the supervision of the board of efficiency. The executive functions are thus divided in a manner which cannot but result in confusion.

The board of efficiency is appointed by the comptroller and is designed to be an agency of continuous investigation and survey into the administrative departments.



Kansas City, Missouri, to Have Charter Commission.—At a special election in November in which less than 20 per cent of the registered voters participated, the proposition to revise the city charter was carried by a small majority. Two tickets for members of the commission were in the field—the “boss” ticket and the “anti-boss” ticket. All but one of the “boss” ticket were elected. A number of these stated after the election that they are opposed to any material change in the charter. A statement of the Kansas City Public Service Institute advises the advocates of city-manager government, who have been active, that there is strong possibility of winning over a sufficient number of the charter commission to secure the submission of a manager charter.



The San Francisco Zone Ordinance.—The San Francisco zone ordinance was passed October 3. Its restrictions are all upon the use of property, practically no limitations upon the height or area of buildings being provided for. It divides the city into first and second residential, commercial, light industrial, heavy industrial and unrestricted districts.

The first residential district is intended for one- and two-family houses, a two-family house being allowed in it, however, only on consideration that at least 5000 square feet of open

space remain upon the lot. From the heavy industrial district are excluded, on the one hand, all residences except that of the family of a watchman, and, on the other, a few of the most objectionable industries, such as abattoirs and glue factories.

There is a provision for the investigation of amendments to the ordinance, and changes on the boundaries of districts, and for hearings on such matters before they are passed, but there is no requirement, in such cases, for more than a majority vote, on protest of property owners affected by the change; nor is any board of appeals created.

FRANK B. WILLIAMS.



The Elections.—As everyone knows, Mayor Hylan was re-elected in New York for a four-year term. The combination of Hearst and Tammany proved invincible. The opposition was unable to strike a popular issue, to discredit Tammany, or to convince the people that they had no designs on the five-cent fare. Hylan talked the old patter about the interests, the traction trust, etc., and got away with it. Tammany won every place on the board of estimate and every contest for borough offices.

Mayor Couzens' victory in Detroit is described elsewhere in this issue. It was a clean case, in which the people returned a public official who has been determined to the point of ruthlessness to follow out the mandates of his people.

In Indianapolis, Samuel L. Shank, Republican, was elected mayor by the largest plurality ever given a candidate for that office over Boyd M. Ralston, Democrat.

The Cleveland election, which was a real surprise to out-of-town observers is discussed at length in this number of the REVIEW. Fred Kohler was elected mayor for two years over W. S. Fitzgerald, the present incumbent, and five other candidates. Cleveland uses the preferential ballot, and it was necessary to count the third choice ballots to determine the winner. Upon the expiration of Mr. Kohler's term of office the city-manager plan, adopted by a decisive majority, will go into effect.

Cincinnati elected the regular Republican candidate, Mr. George Prescott Carrel, in a campaign featured by no issues. The opposition raised the issue of absentee bossism, but the Republican administration had been free from scandal and had undertaken no constructive program to run the risk of arousing opposition. It had, moreover, favored the traction interests, and its aggressive attitude towards a firemen's and policemen's strike had gained the support of the business element. Under such circumstances the Democrats and independents were unable to defeat a smoothly functioning machine.



Efficiency Ratings in the Federal Service.—It has been generally recognized during the past ten or fifteen years that a sound wage and promotion policy in large organizations depends on a satisfactory system of efficiency rating. A review of civil service laws for both large and small jurisdictions will accordingly reveal that some provision is almost always made for establishing a rating scheme. But in recent annual reports as well as by personal comments of those acquainted with civil service administration they are very generally condemned. For instance, in the survey of the Washington service made by the Reclassification Commission in 1919 not a single instance of a satisfactory rating system was found. Because of the ill-success of what may be called the pioneer efforts many former advocates of efficiency ratings have become disheartened.

Therefore, it is a most hopeful sign that

President Harding recently issued an executive order empowering the Bureau of Efficiency to establish and help operate a uniform system of efficiency ratings for the departments and independent establishments in Washington. This is to be done in co-operation with the heads of various organizations and with reference to the work requirements. On account of the many types of work represented provision is duly made for as many different schemes of ratings as the circumstances require.

The system proposed will not alone make possible the recognition of merit in the form of salary increase and promotion; it will also go a long way toward settling the "back door problem" that perplexes so many honest administrators. For it is specifically provided that ratings shall be determined "below which no employe may fall without being assigned to other duties or demoted, or both, or dismissed for inefficiency."

Assuming that the Bureau of Efficiency will recognize the futility of set formulæ, blanket schemes and self-operating systems that are the chief cause of the present state of discouragement, President Harding's order should give renewed impetus to the movement for developing workable systems of efficiency ratings. The conditions for success are prescribed in the Executive Order. They are (1) uniformity in the system itself and in the operation of it by means of active co-operation between a central agency and the departmental heads; (2) diversity in actual rating schemes because of types of work involved.

W. E. MOSHER.¹

II. CITY-MANAGER NOTES

Manager Government for Philadelphia.—The Bureau of Municipal Research of Philadelphia has attracted wide attention by its report outlining what Cleveland's new charter would mean to Philadelphia, should the latter city see fit to adopt it.



C. M. A. Officers for 1922.—At the annual business meeting in connection with the convention at Chicago, November 14 to 16, C. M. Osborn, manager of East Cleveland, was elected president for the coming year. Charles E. Hewes of Long Beach, California, R. W. Rigsby of Durham, North Carolina, and Fred H.

Locke of Grand Rapids, Michigan, were chosen vice-presidents. Harry H. Freeman was elected executive secretary succeeding H. G. Otis.



Some Results of Recent Elections.—*Pontiac, Michigan.* Revision of the Pontiac city-manager charter was defeated on November 30 in one of the heaviest votes ever cast in an election of purely local interest. A total of 5,666 votes was cast, of which 2,264 was for revision and 3,402 against it, a majority of 1,138. A spirited campaign against the city-manager charter was fostered by the Workingmen's Voters League,

¹ National Institute of Public Administration.

although local politicians were said to have directed the effort to change the government under cover of this organization.



Otsego, Michigan. At a special election held in Otsego, Michigan, December 6, two amendments designed to abolish the position of city manager and increase the number of commissioners from three to five were decisively defeated. Upon the proposal to abolish the position of city manager, 161 voted "Yes," while 331 voted "No." The proposed amendment to increase the size of the commission found 185 supporters, while 303 expressed themselves as favorable to the smaller number.



Grand Junction, Colorado. At the November election, Grand Junction adopted an amendment to its city charter providing for the city-manager plan. The vote was 1,148 for and 560 against.



Pueblo, Colorado. On the same day that Grand Junction decided to change to the city-manager plan another Colorado City, Pueblo, refused to accept the plan, a majority of 728 being registered against it. Unofficial tabulation of the vote put it at 2,778 for the proposed change, and 3,506 against it. This vote was said to represent about 50 per cent of the registered voters.



Bay City, Michigan. At a special election on November 15, four new members of the commission were selected to take the place of the four recently recalled. As a result of the upheaval, City Manager H. W. Stickle has resigned his position. The old political gang are now in full control of the government, and reports are that offices are being distributed to the "faithful."



Altoona, Pennsylvania. Opponents of the city-manager government in Altoona captured two seats in the council at the November election, defeating two councilmen who ran for re-election. The successful candidates ran on a combined Democratic-Labor ticket. It is reported that the mayor, for political reasons, has aligned himself with the Labor party, and the next council will have a majority of one against commission-manager government. Rumor is current that the position of city manager will be abolished after January 1.

Jackson, Michigan. On November 8 the people of Jackson voted to retain the manager form, but decreed that a commission be chosen to revise the charter.



Labor and City-Manager Plan.—E. A. Numa, editor of the *Dayton Labor Review*, says, "Dayton has operated under the city-manager form of government for the past eight years, and in that period labor has had a square deal."

The Portsmouth, Virginia, Central Labor Union has gone on record as a body opposing any meddling with city-manager government until it has had full time to demonstrate its defects or virtues.



New Appointments.—*New London, Connecticut.* J. E. Barlow, formerly city manager of Dayton, Ohio, has accepted the city managership of the first Connecticut city to adopt the plan.

Benton Harbor, Michigan. Guy Tyler, formerly city auditor, has been appointed city manager at Benton Harbor.

Sherrill, New York. C. B. Salisbury has been appointed manager at Sherrill, New York, succeeding S. E. Northway, who recently resigned.

Manchester, Iowa. Ralph Milroy, who was assistant to City Manager Thomas Wilson, has been appointed by the council to succeed Mr. Wilson.

Stratford, Connecticut. R. H. Hunter has been appointed town manager at Stratford, Connecticut. Mr. Hunter was formerly manager at Ambridge, Pennsylvania.

Morganton, North Carolina. O. B. Lackey of Washington, D. C., was elected town manager of Morganton, North Carolina, to succeed T. O. Cannon, who recently resigned to take a position with the state highway department.



Manager Form Being Discussed.—Interest in the city-manager plan is being evidenced in a number of cities over the country, notably Knoxville, Tennessee; Parsons and Lawrence, Kansas; Waterloo, Iowa; Marion, Indiana; Hattiesburg, Mississippi; Three Forks, Montana; Cherokee, Iowa; Savannah, Georgia; Sapulpa and Tulsa, Oklahoma; Bartersville, Ohio. The city-wide congress of Baltimore has declared in favor of a single chamber council with a city manager for Baltimore.

HARRY H. FREEMAN.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

New Orleans, through its city council, has established a municipal survey commission, empowered and financed to make recommendations concerning all departments of the city government. Mr. J. E. Edmonds is secretary, with offices at 601 Sewerage and Water Board Building.

✱

The Detroit Bureau has secured the part-time services of Prof. L. L. Thurstone of the Carnegie Institute of Technology, for the development of appointment and promotional examinations for police officers.

✱

William H. Nanry has been appointed director of the San Francisco Bureau of Governmental Research, vice Paul Eliel resigned. In October the publication of *The City* was resumed as the organ of the bureau.

✱

The Kansas City Public Service Institute has issued a report on a study recently made of the tax bill method of paying for public improvements. In this they suggest a change to the special assessment bond method, asserting that the property owners would be saved, thereby, 10 to 25 per cent on all special assessments.

The Institute has also issued a report of a study made of Kansas City's sinking funds, their present condition and effect of proposed bond issues on the tax rate for debt purposes.

The Taxpayers' League of St. Louis County, Minnesota, has issued a memorandum, regarding the collection and disposition of refuse in Duluth. Its purpose is to bring before the householders, city officials, and members of various civic committees, many of the essential phases of the problem of refuse collection and disposition.

✱

The Training Work of the National Institute of Public Administration commenced on September 19. Seventeen formal courses are offered this year for men who are planning to enter city-manager work, governmental research work, or civic work in general.

The National Institute of Public Administration is carrying on the reorganized work of the New York Bureau of Municipal Research and the Training School for Public Service and is laying particular emphasis on the development of its educational program.

During the past summer, the Institute completed a survey of the city government of Salem, Massachusetts, for the Salem Chamber of Commerce, and is now engaged on an extensive survey of the city government of New Orleans, Louisiana, for the municipal survey commission. The Institute is also furnishing technical consultant service to legislative committees in the state of New York and in New Jersey and to the federal post office department.

ROBERT T. CRANE.

IV. JUDICIAL DECISIONS

Contagious Disease Hospital Not a Nuisance.¹

—The San Diego Tuberculosis Association was formed for benevolent purposes, and for several years had owned and operated a hospital for the treatment of tubercular patients. The city trustees of East San Diego passed an ordinance declaring every hospital for the treatment of contagious or infectious diseases within the city limits a nuisance, and making the maintenance and operation of such a hospital a misdemeanor for each day it was so operated. The municipality began action against the association, charging the violation of the ordinance. On removal of the case to the supreme court of California, it was held that the maintenance of such a hospital

within the corporate limits was not necessarily dangerous, and that, therefore, the ordinance was unreasonable, and so not justified as an exercise of the police power.

✱

Personal Liability of Officers.²—In an action for damages by a landowner, whose crops were flooded through the negligent maintenance of drainage ditches by the trustees of the drainage district, the court held that the liability was personal, as against the trustees, and not as against the drainage district. The evidence showed that the trustees knew of the defective conditions, prior to the flooding, and that it was their duty to repair the ditches, and to prevent the injury to the landowners.

¹ *San Diego Tuberculosis Association v. City of East San Diego*, 200 Pac. 393.

² *Proper v. Sutter Drainage District, et al.*, 200 Pac. 664.

Salary Increases During Term of Office.¹—A statute prohibiting the increasing and decreasing of salaries of city officers during their term of office was held not to apply to officers having no fixed tenure of office, but who served during the pleasure of the appointing power.



Court's Power to Interfere in Municipal Employment.²—The chief of police of Seattle discharged a police officer for the stated offense of offering to release from custody a certain prisoner, whom he had arrested for gambling, on the payment to him of a certain amount of money. The civil service commission confirmed this act, and suit was brought to review the order of dismissal. The question that came before the supreme court was, "Did the trial court have authority to review the evidence upon which the chief and the civil service commission had acted in discharging the employee?" The court held that under the city charter, the city government had power to vest in its officers the authority to discharge an employe, and that no court had the right to review the sufficiency of the evidence upon which this body had acted.



City's Power to Restrict Certain Districts.³—The owner of certain property on a principal street in the city of Kearney commenced to erect a gasoline filling station for the purpose of supplying gasoline and oil to motor vehicles. Thereupon, the city council passed an ordinance restricting such erection in the district, covering some thirteen square blocks. Suit was brought to test the validity of the ordinance. The court held that in the exercise of police powers delegated to a city, it was generally a matter for the municipal authorities to determine what rules, regulations and ordinances are required for the health, comfort and safety of the people, but that this action is not final, and is subject to the scrutiny of the courts. In this case the ordinance was held arbitrary and unreasonable, and therefore void.



Special Assessment on Boulevard Improvements.⁴—The charter of the city of St. Louis permits assessments against non-abutting property in the case of widening a street, but prohibits such assessment in the case of widening or

opening a boulevard. In working out a comprehensive boulevard scheme, a certain street was embraced within the plan, and an assessment was made by the city on certain non-abutting property for the benefits received. The property owners refused payment and carried the matter into court. The court held that even though this particular portion of the system had been regarded as a street, it was a mere subterfuge to avoid the charter, by continuing to regard the thoroughfare as a street, and that it should properly be classed as a boulevard, and the assessments were held void.



Citizen's Right to Enjoin Collection of Taxes and to Act for Others Beside Himself.⁵—George Fairley, acting on behalf of himself and all other automobile owners in the city of Duluth, was granted an injunction restraining the city of Duluth from collecting wheelage tax in excess of the amount allowed by Section 352 of the laws of Minnesota, which specified that municipalities in the state could collect a wheelage tax to the extent of 20 per cent of the amount collected by the state, as a tax upon automobiles.

When the law was enacted, the city of Duluth was operating under an ordinance which gave the city the right to collect a wheelage tax from all automobiles which used the city streets, at the rate of fifty cents a rated horsepower, which was considerably in advance of the schedule set by the state. The city did not change its ordinance.

The city contested the injunction on the grounds that one taxpayer had no right to act for others in a matter of this kind, and also that no injunction which would tend to prevent the city from collecting needed revenues was legal.

The lower court decided that the injunction should hold, but gave a certificate for appeal, stating that the matters contained in the suit were both important and doubtful.

The supreme court of Minnesota sustained the lower court, holding that in cases where a common interest is concerned, one citizen may act both for himself and all others so situated, and also that in cases where a large number of different tax collections are concerned, the collection of taxes may be enjoined. These two decisions establish precedents in this state.

The court also affirmed the constitutionality of the state law. ROBERT M. GOODRICH.

⁵ November term, supreme court of Minnesota.

¹ *Bowers v. City of Albuquerque*, 200 Pac. 421.

² *Ford v. City of Seattle*, 200 Pac. 568.

³ *Standard Oil Co. v. City of Kearney*, 184 N. W. 109.

⁴ *Albers v. City of St. Louis*, 233 S. W. 210.

V. MISCELLANEOUS

Death of Noted Town Planner.—Hans Eduard Von Berlepsch-Valendas, architect, town planner and author, died at Planegg, Munich, Bavaria, August 17, 1921.

Berlepsch-Valendas was a Swiss by birth and allegiance. He was the author of "Die Garten-Stadt Bewegung in England," "Die Garten-Stadt Munchen-Perlach," and other books on town planning. His cordial hospitality to Americans interested in town planning during the period of more than a decade is worthy of special mention and record.



The Baldwin Prize for 1922.—The William H. Baldwin essay contest for 1922 is open, as heretofore, to undergraduates of American colleges and universities. The subjects suggested for this year are (1) Special Assessments as a Substitute for General Taxation for Public Improvements; (2) The Consolidation of City and County Government within Metropolitan Areas; (3) Municipal Employment Policies. The amount of the prize is one hundred dollars. For further information, address Prof. E. A. Cottrell, Leland Stanford Junior University, Chairman of the Committee on Prizes, or H. W. Dodds, Secretary of the League, 261 Broadway, New York.



A Citizen's Bond Committee.—Oklahoma City and Oklahoma County voted on large bond issues on November 26. In order to get popular backing for the establishment of the improvements which the bonds will pay for, the city commission organized a citizens' bond committee. The committee was to raise its own finances, and in every way be a body independent of the city government. The main purpose of the committee was to lay before the people full information about the proposed improvements and the bond issues necessary to finance them. The Committee numbered about sixty and was thoroughly organized to cover the last detail of the campaign.

It was expected that such an organization would go far toward educating the citizenship as to the needs of public improvements and securing their votes for them.

F. F. BLACHLY.



City Officials Check Up on Own Work.—The mayor and council of the progressive city of Flint, Michigan, wishing to be sure that their

departments were operating to the best advantage, recently employed the Institute for Public Service of New York City to make a study of the operation of all the city departments. This study is not as yet complete, but by pursuing the method of working out the results in constant contact with the department heads and the council, many of the recommendations have already been put into effect.

This is one of the few instances where a city government feeling that its work is being exceptionally well done and without pressure from the outside for an "investigation," has adopted the business precaution of checking up to be sure that nothing has been overlooked in making their operation most effective.

GAYLORD C. CUMMIN.



Ohio State Conference on City Planning at its third annual meeting in Columbus in October adopted a legislative program. Bills will be prepared covering each matter and their passage urged. The subjects of legislation are: (1) A constitutional amendment removing the 50 per cent limitations on the appropriation of property which may be included in a special assessment; (2) a statute providing for regional and county planning; (3 and 4) statutes concerned with the platting or subdivision of land; (5) extension of city-planning laws to include villages and to charter cities which do not have a form of organization providing for city-planning commissions; (6) an amendment to the present zoning law eliminating the clause which states, in effect, that nothing in the zoning law shall be construed to permit a municipality to reserve by means of a setback line, a strip of land for future street widening without compensation to the owner.



Spartanburg to Have Plan.—The park commission of Spartanburg, South Carolina, has entered into an agreement with John Nolen, town and city planner, for the preparation of a comprehensive city plan. This will include a planning survey, general city plans and report covering: main streets and roads, with typical street sections, giving width and subdivision of same; right-of-ways for railroads and locations for stations; parks, play-grounds, and other open spaces, with location, use and general character of development proposed; approximate locations

of districts or zones for various classes of development with proposed restrictions; and locations for the principal public buildings, especially those to be grouped in one locality.

The agreement provides for consultant services for a period of three years, and the preparation from time to time of design and construction plans for the Spartanburg park commission.

The expenses of the planning work will be met jointly by the Spartanburg park commission, the city council and the Spartanburg Chamber of Commerce.

*

Massachusetts Celebrates Eight Years of City-Planning Progress.—Confidence was the keynote of the eighth annual conference of Massachusetts planning boards at Winchester, October 19. The value of continued effort was plainly indicated,—first by the attendance, 174 members; second by the large number of planning boards represented, 34; and third by the distinguished character of those who came as individuals,—three mayors, heads of two state departments, several of the leading senators and representatives of the state, and finally by the participation of the speaker of the house, B. Lor-ing Young, who, referred to by one speaker,—pretending to jest,—as the “successor” of the governor, opened the conference in his behalf, and proved by his enthusiastic handling of the subject and his keen suggestions for action that town planning had “got to” him.

Many conferences meet in spite of the disadvantages and the discomforts of the modern city: not so this one. Its setting was itself a revelation of what planning can do. Few municipalities can show so many of the town planners’ dreams worked out on the ground: a town center, with dignified public buildings informally grouped in

a delightful setting along a reclaimed and parked stream, its bridges works of art; adjoining the center an extensive playground, replacing a disorderly railroad yard and tumble-down tannery; beyond, a metropolitan park skirting the charming Mystic Lakes and thus preserving and enhancing their beauty; connecting all these a parkway, with trees maturing, leading through and above the town to a metropolitan reservation of wild land vast enough for real outings; within its borders the town water supply, three attractive reservoirs on a forested watershed without a single residence to endanger its purity.

Against the indiscriminate erection of billboards Speaker Young presented the strongest possible case, one against which the billboard interests have thus far been able to make but little impression, in their efforts to secure permits from the state division of highways, as required by the new law. His ten points will serve as a foundation for the arguments of each city and town that desires to be heard against the general granting of permits for billboards in its area. They are: fire risk, harboring of filth, hiding of criminals and immorality, wind hazard, danger to traffic from the very fact of their taking the driver’s attention from the road, breeding of insect pests, depreciation of taxable real estate values, ugliness, and impairment of the value of public improvements, such as parks and scenic highways.

ARTHUR C. COMEY.

*

Error in State Parks Supplement.—Our attention has been called to a typographical error on page 599 of the State Parks supplement to the November REVIEW. The date on which final approval was secured for the Bronx Parkway was 1913 instead of 1903 as printed.

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SPECIAL ASSESSMENTS¹

ASSESSMENTS FOR BENEFIT AS A MEANS OF FINANCING MUNICIPAL IMPROVEMENTS

BY THE COMMITTEE ON SOURCES OF REVENUE, NATIONAL
MUNICIPAL LEAGUE²

I. INTRODUCTION

IN providing certain public improvements, especially in municipalities, benefit accrues to the land adjacent to or in the vicinity of the improvements. This benefit is usually reflected within a very short time in the enhanced sale value of the property. Where improvements in the public interest result in increasing the value of adjacent land, it is becoming more and more the practice for the government to assess the property owners with the cost of such improvements, the levy being made in proportion to the benefit received. Such levies to defray the cost of public improvements are known as special assessments.

Assessment for benefit as a

means of financing public improvements is not at all a practice of recent origin. The principle was applied in England as far back as 1427, when certain acts provided for apportioning among the land owners benefited therefrom the cost involved in the construction and repair of walks, ditches, gutters, sewers, bridges, causeways and trenches which had been damaged by the inundation of the sea. The idea of special assessments was introduced in this country as early as 1691, when it appeared in the provisions of a province

Bassett of the National Institute of Public Administration, and Mr. William C. Ormond, President of the New York City Board of Assessors.

¹This discussion of Special Assessments in American cities is published by the National Municipal League to meet the demand for information on special assessment administration. It has been drawn by the chairman of the Committee on Sources of Revenue with the aid and counsel of the committee and is based upon a series of manuscripts prepared for the committee by Mr. Clarence E. Ridley and Mr. William A.

LUTHER GULICK, *Chairman*, National Institute of Public Administration, New York City; ROBERT M. HAIG, Columbia University, New York City; HARRIS S. KEELER, Chicago Bureau of Public Efficiency, Chicago; MISS MABLE NEWCOMER, Vassar College, Poughkeepsie, N. Y.; A. C. PLEYDELL, New York Tax Reform Association, New York City; WILLIAM A. RAWLES, Indiana University, Bloomington, Indiana.

law of New York. The important part of this statute was copied almost verbatim from the English Act passed in 1667 and re-enacted in 1670 to regulate the rebuilding of London after the great fire. Special assessments, however, were not generally applied in New York for at least another century, and it was not until about 1813 that the courts recognized the prin-

ciple of such assessments. By 1850 eleven states had followed New York in applying the principle of special assessments, and by 1875 fifteen additional states had used this principle. At the present time the principle of special assessments is accepted in every state and is applied in some form in a large majority of the cities in the United States.

II. DISTRIBUTION OF COST AND METHODS OF ASSESSING IMPROVEMENTS

DETERMINATION OF ASSESSMENT AREA

As the principle underlying special assessments is that of distributing the cost of public improvements in accordance with the benefit conferred, the determination of the extent and amount of that benefit becomes the heart of the problem. As a practical matter, the computation of the benefit conferred by a particular improvement on each piece of property is greatly facilitated by following certain general rules for determining the extent and the distribution of benefit. So far, such general rules have not been uniformly adopted over the country. In many places, the area and the amount of the benefit have been determined for each individual improvement by local legislative bodies in an unnecessarily arbitrary manner often to meet political expediency rather than to conform to the economic facts. Sound practice with reference to the determination of the assessment area is discussed in this report under each class of improvement.

GENERAL METHODS OF ASSESSMENT

In the different states varying statutory limitations are placed upon the

plan of distributing the cost as well as on the various methods of assessment, yet there is substantial agreement in respect to the principles underlying the methods of measuring the degree of benefit. The following four general methods of levying assessments are recognized in law:

1. *Frontage*.—Under this method the assessment is spread on the abutting land in proportion to the frontage of each piece of land abutting on the improvement. The most serious objections to using it alone is its inelasticity and also the fact that frontage is not always an accurate criterion of the benefit, as it favors deep lots at the expense of shallow lots.
2. *Superficial Area*.—Under this method the assessment is spread on the abutting property in proportion to the area of the land fronting on the improvement instead of in proportion to the foot frontage. The inelasticity of this plan also makes it unsatisfactory for use alone. Another objection is its obvious failure as a proper index to the benefit as it favors shallow lots at the expense of deep lots.
3. *Valuation*.—Under this method the assessment is distributed in

proportion to the assessed valuation of the land at the time the improvement is made. It favors cheap land at the expense of dear land and fails to recognize that the present value of land is due to conditions existing before the improvement is contemplated or completed and that those conditions may be completely altered by the improvement.

4. *Proximity*.—Under this method the assessment is distributed on the basis of proximity to the improvement, the nearer land paying more in proportion to its superficial area than the more distant land according to certain established ratios, which will be discussed in connection with the various improvements. While this may be considered a variation of the superficial area method, its recognition of proximity as well as area, distinguishes it. The proximity plan overcomes the chief difficulties of the other methods. It places deep and shallow lots, cheap or dear lots, on a thoroughly equitable basis. It has the further great advantage that it is applicable to extensive improvements, the effect of which reaches beyond the immediately contiguous land.

EXEMPTION FROM ASSESSMENTS

One of the most perplexing questions with which municipal authorities have to deal in the distribution of special assessments is that of providing for exemptions granted by statute or ordinance or permitted by general policy. In many cases, particularly where the state or national government is concerned, cities, although not inhibited by law from levying assessments against property owned by those governmental units or by private institu-

tions, are unable to collect the assessments when levied. When exemptions from assessment are granted, the balance of the assessable property must either bear the additional financial burden or else it must be distributed over the city at large. In either case, the situation is complicated and does not readily admit of an equitable solution.

It would seem that any exemption of property from special assessment, whether such property is in government or private ownership, is unsound. The benefit resulting from a public improvement inheres in the property affected, and the distribution of the cost in terms of benefit conferred should be made in that way. When national, state or city property is affected by any particular improvement, it may be necessary to meet their share of the cost out of the general fund; in any event, the adjustment necessary should be a matter of public record showing that a regular assessment had been made against the property in accordance with the benefit conferred. In the case of private schools, churches, charitable and other institutions, there should be no exemptions from assessment.

PUBLIC IMPROVEMENTS FOR WHICH SPECIAL ASSESSMENTS ARE MADE

Public improvements which have been generally recognized as work for which special assessments may be levied are as follows: (1) the acquisition of land for street or park purposes and the subsequent opening of streets and development of park property; (2) execution of city-planning projects involving the widening and straightening of streets; (3) the improvement of streets, including grading, paving, and repaving; (4) the construction of sewer systems and sewage disposal

plants; (5) the construction of water-front improvements, including levees and other shore protection.

The cost of bridges, when forming an integral part of a street improvement, should be included in the assessment for that improvement. Paying, to some extent at least, the cost of rapid transit lines by assessment on property has recently received consideration. Although no application of this idea has been made up to the present time, two cities, New York and Philadelphia, have included this method of financing in plans for the future.

In addition to assessing for the public improvements noted above, the practice is followed to a limited extent by some cities of assessing the cost of certain public services rendered. Among these are included: sprinkling and oiling of streets, removing snow from sidewalks, cleaning roadways, cleaning sidewalks, repairing sidewalks, care of street parking, planting shade trees, care of shade trees, cutting weeds, filling in lots, park maintenance and even moth extermination. The universal application of special assessments to meet such services is undesirable from an administrative standpoint. In most cases they would seem to fall more appropriately in the group of municipal services financed from taxation.

The particular problems arising in levying assessments for each of the major types of public improvements are discussed below.

1. STREET IMPROVEMENTS

OPENING AND WIDENING STREETS

The plan of distributing the cost of street improvement varies with each kind of improvement. In case of street widening or of opening a new trunk street, the total cost should ordinarily not be assessed against the

abutting property, for the nature of the improvement is evidence that it is called into being by traffic demands outside the immediate vicinity and therefore has assumed more than local importance. Of course, if the owners of the property on either side of the proposed opening or widening petition for the improvement as being necessary for their convenience or to accommodate their expansion of business, or if the improvement is a local service street, rather than a trunk street there is no question but what the locality should pay part of the cost. If traffic in a particular locality becomes congested to such an extent that it is expedient to widen, extend or open up a new street, then the cost of such improvement should be distributed between the district so benefited and the abutting property owners. It is not uncommon for such an improvement, by reason of its strategic location, to be of very important general and of comparatively little local benefit. The equitable distribution of the cost between these immediately contiguous and outlying areas depends so much upon local conditions and the circumstances calling for the improvement that no suggestion of value can be made here as to the proper allocation of the cost.

The plan of distributing the cost must be determined in each separate case only after a very careful investigation. It is well to add here that in the application of a distribution plan to an improvement of this kind, as well as to any other, local conditions must govern to a large degree, and while the application of the method, when once the plan is determined, is not extremely difficult, yet common sense and a thorough understanding of the method to be used are necessary.

While no definite plan can be given to govern the distribution of the cost between the parties benefited, that is

the degree to which the benefit is general, district or local, it is possible to outline a method to follow in spreading the amount of assessment to each lot or parcel of land once the plan of distribution of the cost is determined.

It is safe to say, however, that in no case should the entire cost of acquiring a street in excess of sixty feet in width, which is the generally accepted width for a local street, be assessed against the local property, except perhaps in the business district. It is true that property fronting on a wider street is more valuable, yet only within certain limitations, for after a street has reached a certain maximum, additional width does not necessarily involve additional benefit and it may if too wide detract from property values. In cases where it would be equitable to assess locally the whole cost of a sixty-foot street, it would seem satisfactory to assess locally 25 per cent of a greater width up to about 125 feet. Some years ago in a paper presented before the Fourth National Conference on City Planning, Nelson P. Lewis, Chief Engineer of the Board of Estimate and Apportionment of New York City, recommended that the 25 per cent of additional cost begin at a sixty-foot width, and end at one hundred and forty feet, thereby making the percentage of cost which would be locally assessed as follows for various street widths:

| 60 feet | 100 | per cent |
|---------|-------|----------|
| 70 | 89.3 | " " |
| 80 | 81.25 | " " |
| 90 | 75 | " " |
| 100 | 70 | " " |
| 120 | 62.5 | " " |
| 140 | 57.1 | " " |
| 150 | 53.3 | " " |
| 200 | 40 | " " |

In the case of street widening the same plan would be applicable, that is, if the street were less than sixty feet in

width, the additional expense in order to make it sixty feet would be assessed locally, while for any additional width the above table could be used.

In blocks of ordinary length and width, it is customary to include in the assessment area all property to the parallel middle line of the block. In determining individual assessments within this area, the method described later under "street paving" is used.

STREET GRADING

As it is oftentimes desirable to grade certain streets some years before it is either possible or expedient to pave them, the question of paying this cost naturally arises. As this step is essentially a part of the preparation for paving the cost should be distributed and the assessment spread in conformity with the policies pursued when dealing with a pavement.

STREET PAVING

There is probably no other improvement in the municipal field which claims so large a share of special assessment receipts as the paving of streets. No extended argument is necessary here to emphasize the importance of pavements from an economic, social, and æsthetic point of view. Progressive cities have realized this and have provided well paved streets financed largely through special assessments.

Because the benefit accruing to the property owner on account of the enhancement in the sale value of his land by the construction of a pavement adjacent thereto is often far in excess of the assessment, no argument is needed to justify the application of the special assessment policy to this kind of improvement. The points to be discussed here are: first, the determination of the total amount of special

benefit to be assessed and the boundaries of the area of benefit; and, second, the method of determining the individual levies.

In arriving at an equitable distribution of the cost there are several elements to be considered. In the first place, if the street is purely residential there can be no question but the entire cost should be borne locally regardless of the width of the pavement determined upon, provided that the property owners desire a greater width than would be essential from an economic point of view. On the other hand, should the street to be paved be a main artery of traffic or develop into one by reason of the improvement, then it is urged, the assessment should be more general, and the greater percentage of the additional cost over and above the width required for local use should be spread over the district benefited thereby. It might be that the additional width should be provided to stimulate the development of a certain district lying beyond or at one end of the proposed improvement, in which case the benefited districts at both extremes might be called upon to bear their proportional share of the burden. It is obvious that local circumstances must govern the distribution of the cost in such cases as those mentioned above.

The development of the motor truck and its use for interurban freight transportation over the city thoroughfares, suburban roads and county highways has produced a difficult problem from the standpoint of special assessments. Where paving specifications are materially affected by through truck traffic, this fact in itself is evidence that not all of the cost should be assessed locally regardless of the street width.

Statistics show that practically three-fourths of all cities in the United States, with populations in excess of 30,000,

assess the cost of pavements to the property benefited, one-half assessing the entire cost, while one-fourth assess only a portion of the cost, due, in many cases, to charter restrictions. In many jurisdictions charter restrictions have been adopted that serve to thwart a sound special assessment policy. This is particularly true of the restrictions placed on the assessment of street intersections and of the arbitrary percentage limits for special assessments. Street intersections are as much an integral section of an improvement as any other part. Consequently, the absurdity of such restrictions is obvious. This is typical of many similar legal restrictions which are hampering the free use of the special assessment policy.

To illustrate further the lack of uniformity in assessing for pavements, in Boston the amount cannot by law be over 50 per cent of the cost; and in New York, it cannot be over 50 per cent of the value of the property assessed. On the other hand, in Providence, 110 per cent of the construction cost is sometimes assessed because expense of collection, issuance of bonds, etc., are included; for Buffalo also all of the expense is assessed.

The methods of spreading the assessment over the area of benefit are similarly diverse. Many cities are spreading their assessments on the basis of frontage. This method may be justified as long as all lots are the same depth and shape, but obviously overburdens a corner lot. It is entirely inadequate when applied to irregularly shaped lots.

The method used by Seattle, Washington, should be noticed in this connection. There the property fronting on the street is divided into belts or zones parallel to the street, and the cost is assessed on the property in a stated ratio to its area lying within

these zones. Forty per cent is assessed against property lying within the first zone, thirty feet wide and adjoining the street; 25 per cent on property in the zone between thirty and sixty feet from the street; 20 per cent in the zone bounded by lines sixty and ninety feet from the street; and 15 per cent on the property lying between the line ninety feet from the street and the central line of the blocks. This plan is a step in the right direction, for it eliminates many of the glaring faults of the front foot method. It is a crude form of the proximity method.

A more complete and scientific method of distributing assessments for grading and paving improvements is employed by the city of Flint, Michigan. The plan for levying special assessments was introduced by H. E. Terry, former city engineer of Flint, and was developed to its present form, about six years ago, by W. R. Drury, at that time office engineer in the department of public works. The main elements of this plan are as follows: all property lying between the improvement and a line midway between it and the next street is included in the area of assessment. The amount apportioned to this area which is assessed to individual properties is determined by mathematical rules which vary the assessment on the basis of proximity to the improvement.

Tables have been prepared running by foot intervals to a depth of 300 feet showing the amount to be assessed according to these rules. (See Reference No. 12). In spreading assessments with the aid of these tables, the determination of the comparative assessments of long and short lots is a simple matter and irregular and triangular lots are handled without difficulty. These rules and tables resemble those used by assessors as described in the *National Municipal Review Supple-*

ment of January, 1920. While there are cases where such rules cannot be relied upon completely, experience shows that they do serve to increase the fairness of assessments because they eliminate guesswork and discrimination in a large measure.

REPAVING

Special assessments for repaving are by no means as universal as for meeting the cost of the original construction, yet the proper distribution of the cost is no more complicated than in the case of the original pavement, and if the different factors enumerated under the discussion of pavements above are taken into account, there is no reason for any different plan of assessment.

It is true that the reconstruction of a pavement often may not enhance the value of a piece of land to the extent that the original pavement does, yet it is just as true that a depreciation in the value of the land would certainly result if the adjacent pavement were allowed to get into such condition as to render the property less accessible.

Some cities are not permitted by law to levy a special assessment upon the land benefited for a renewal pavement. The costs of such pavements must therefore be distributed through the general property tax rate on the basis of the assessed values of all property. Such a policy is unfair to high priced land, to improved land and to the owners of other taxable subjects.

SIDEWALKS

The usual practice in sidewalk construction in practically all American cities is to assess the total cost against the abutting property. In most cities the property owners are required to pay the cost of construction, repair and maintenance, and reconstruction when

deemed necessary for public safety and convenience. There are, however, a few exceptions. For example, in Boston but one assessment can be made against property owners for the construction of sidewalks. This means that when a sidewalk of any character has once been built and a portion of the cost assessed against the property the city must forever after repair and rebuild when necessary, or even construct a much wider walk than was originally built.

Such a provision is not in accordance with accepted practice. It shifts the burden from the land owner, the one directly benefited, to the city at large, where the benefit is but very limited. As a general rule, property owners should be required to construct, maintain and rebuild when necessary the walks adjacent to their property and should be held liable for any injury or damage to persons or property as a result of neglect to repair or maintain such sidewalks.

In spite of this general rule there are, of course, cases where the construction of a sidewalk may with equity be borne in part by the city at large. Where sidewalk construction forms a part of a street widening or city-planning project and the demands of pedestrian traffic necessitate a material widening the work would hardly be construed as conferring a strictly local benefit.

CROSSWALKS

In some few cases the cost of crosswalks is made the matter of independent local assessment. A crosswalk constitutes an integral part of the street section in which it is located. The cost of constructing it should be included in the cost of improving the street and the identical method should be followed in meeting the cost as obtains in the case of the street improvement.

BRIDGES

Ordinarily bridges alone are not considered among public improvements subject to special assessment. Bridge construction required in connection with a specific highway improvement may be considered as constituting an integral part of the improvement. Where this is done the cost involved should be included in the general cost of the improvement. In some cases the widening or replacement of an existing bridge by one of more substantial construction might be construed as conferring, at least in part, a local benefit. Under such conditions a portion of the cost should well be distributed by special assessment over the area deemed to be benefited. It has been the practice in New York City in financing certain of its bridges, not only to assess a part locally, over a benefit area, but also to lay a special assessment, as a surcharge of the tax rate, in large areas of the city.

2. SEWERS

There are three general types of sewers: first, there is the sanitary sewer which disposes of waste water, especially water carrying polluted matter commonly spoken of as "house sewage"; second, the storm sewer which carries off storm water; and third, the combined sewer which performs the functions of both sanitary and storm sewers. Because of the different problems arising in handling special assessments for the various kinds of sewers, they are discussed separately below.

SANITARY SEWERS

There are different types of sanitary sewers in a complete sewerage system for any community. The simplest

type is the lateral sewer, sometimes spoken of as a service or local sewer because it usually serves one particular street and its benefit therefore is strictly local. The next in order is the trunk sewer, usually larger in size, and into which the lateral sewers discharge, provided, of course, that the lateral does not empty directly at the point of final disposition, which is rarely the case. This sewer may also furnish direct connection to abutting property. Then next comes the intercepting sewer, which is a still larger sewer, and as its name implies its function is that of intercepting and collecting sewage from a number of trunk sewers and conveying it to a point of final discharge. And finally, there is the relief sewer, which is usually built parallel to an old sewer that is inadequate because of growing needs.

It is obvious that each of these sewers presents a problem of its own. They are therefore considered separately.

LATERAL SEWERS

It would appear that inasmuch as the benefit derived from a lateral sewer is merely local in character, that it ought to be fairly simple to determine the method of levying the cost upon the property benefited. However, this is not the case. If one will sketch a few lots with their multifarious shapes and sizes, it will be seen at once that the problem is difficult and is made even more so by the nature of the improvements situated on the lots. To illustrate, two lots may be of equal frontage and depth; one may have a house built in the center, thereby prohibiting the construction of a second house without tearing down or moving the present structure; the other lot may have a house built upon one side with the idea of building another house upon the lot. Since this new house,

when built, will require sewer service, the lot is benefited more than the lot with only one house which has but one connection. Again, one street has a sewer. A sewer is required on a cross street. The corner lot is already served. It can use but one sewer. Certainly another sewer adjacent to the property will not enhance the value, or render a benefit. Such situations as these make the problem of an equitable assessment for sewers a difficult one. To solve these difficulties, assessors have applied many apportionment rules. It is evident that the frontage method of assessment favors deep lots, and the area method favors shallow ones, so some cities have combined the two in order to secure the merits of both, but unfortunately the drawbacks of the methods sometimes offset the merits, and dissatisfaction has been the result. The arbitrary ratio assumed in most cases is to assess three-fifths of the cost on the basis of area of property sewerage and the remaining two-fifths on the basis of frontage. Another plan used to a very limited extent is the entrance fee plan, that is, charging a fee for connecting to the sewer. This is unsatisfactory, since the money to defray the cost of an improvement is needed when the improvement is made, or if deferred, within a definite period and not when adjacent property is built upon.

On the basis of these facts it would seem necessary to consider the entire cost of lateral sanitary sewers as assessable to the local area served and to distribute the individual assessments on a basis of area and frontage, allowing more weight to the former.

TRUNK SEWERS

Inasmuch as trunk sewers often perform the dual service of picking up the discharge from laterals as well as direct

property connection, it is clear at once that we have a problem of allocating the proper percentage of the cost to each of these services. Obviously, the property owners adjacent to a trunk sewer should not be called upon to pay more than what it would cost to construct a sewer sufficient for their requirements plus their proportionate shares of the cost of the trunk sewer. This cost would be levied on the property benefited as in levying the assessment for laterals. The balances of the cost of the trunk sewer should be distributed uniformly over all the tributary area in proportion to the assessments for lateral sewers.

INTERCEPTING SEWERS

There are good grounds for not assessing the cost of intercepting sewers against the property benefited, for, while this part of the system is an integral part of the whole, its local benefit is less apparent. It is more a general benefit and consequently its cost should be distributed over the community at large either by special assessment or in the form of general taxation. There are cases, however, where an improvement of this kind serves only a limited area and confers a distinct local benefit. In such cases the cost can be met equitably by special assessment by the same general method outlined for trunk sewers.

RELIEF SEWERS

The need of additional carrying capacity in a certain section does not necessarily imply a faulty design of the original sewer. It is not always possible to forecast developments, nor is it always sound policy to construct a system to anticipate development by too many years; the carrying charges become too heavy. When the relief

sewer becomes necessary, its cost should be distributed over the area benefited as with other sewers.

STORM SEWERS

While the assessment principles of sanitary and storm sewers are somewhat alike in character, there is also one particular point of difference that makes it more difficult to locate the benefit in the latter case. Storm sewers are not required on all streets since advantage is taken of the slope of the ground or grade of the pavement and the storm water is allowed to run in open gutters for a block before entering a sewer through the inlet. This feature makes the determination of the local benefit more difficult and has led some cities to pay for all storm sewers out of general taxation or bond issues. As the construction of storm sewers must precede the laying of permanent pavements, there is likely to be a heavy burden placed upon a particular territory if the total cost of both the pavements and sewers is defrayed by special assessment. There are cases, however, where the policy of special assessment should be adopted since a direct and measurable benefit is derived from such an improvement. In levying the assessment, however, the same principle that was applied to sanitary sewers cannot be wholly accepted when assessing for storm sewers. While a sanitary sewer must be adjacent to the property in order to allow a connection and permit a benefit, a storm sewer may be a block away, inasmuch as it handles merely storm water. Therefore, the drainage area served by the sewer should form the assessment area regardless of the location of the storm sewer.

The distribution of the assessments within the area of benefit presents a somewhat different problem from that raised in connection with other sewers.

The amount of storm water to be carried off varies in direct proportion to the area. It would therefore seem reasonable to distribute the burden in proportion to area.

COMBINED SEWERS

In dealing with a combined sewer, that is, one performing the functions of both sanitary and storm sewers, it is evident that the problem will become less complex if we divide the total cost into two proportionate parts just as if the separate design had been adopted. After this has been done, the cost assigned to the sanitary sewerage system can be assessed as has already been described and the remaining amount, or the storm sewer share, assessed to the drainage area.

3. PARKS

A number of cities to-day are enjoying the benefits derived from the creation of parks, boulevards and civic centers made possible by liberal charter provisions allowing the special assessment policy to be applied in defraying the cost. That the function of a park is not alone to provide means for recreation is brought out clearly in court decisions relating to the liberal provisions relative to parks, contained in the Kansas City, Missouri, charter. Brief passages of these decisions follow:

"Public parks in cities are essential to health, comfort, and prosperity of their citizens. They are a public use, within the meaning of the constitution, for which land of citizens may be taken upon payment of just compensation. They confer general benefit upon all citizens and special and peculiar benefit upon owners of real estate in their immediate vicinity."

"It is competent for the council to define the benefit district and to assess

benefits against real estate benefited and it is not necessary that a park be paid for by general taxation of the whole city."

In the case of *Haenssler vs. St. Louis* (205 Mo. 656, 1. c. 681) the court ruled that "city may acquire property outside of city yet near for park purposes."

As the problem of assessing for the opening and improving of parks calls for special consideration as compared with the question of maintenance, we shall consider the two problems under separate headings and follow then with the treatment of boulevards and civic centers.

OPENING AND IMPROVING PARKS

One of the early applications of the principle of assessing for acquisition of land and its development for park purposes was made in New York City in 1853, when land was acquired for Central Park, and of the total cost amounting to \$5,169,369.90 a certain share was assessed against the property benefited. Since that time developments have been such that Central Park now forms the border for the most valuable residential property in the city, which is largely the result of the park development. The enhancement in value of the property benefited probably would have justified the levying of the total cost of the improvement. The same is true of parks in many other cities. Experience has demonstrated beyond doubt that the mere taking of property for park purposes immediately enhances the sale value of adjacent property. The amount of the benefit depends upon the proximity of the property to the park and will diminish as the distance from the park increases. It would seem, therefore, that the method pursued by such cities as Kansas City, Denver and Indianapolis of dividing the city into certain park districts

and then assessing each district for the entire cost of the parks for that particular district is in most cases sound. As to the method of levying the assessment within the area of benefit, excellent opportunity is offered for the application of the zone method. The location of the lines determining the boundaries of the different zones and the proportion of the total cost to be paid by each zone should be fixed to fit the particular territory. Perhaps the most scientific method of determining the distribution of cost by this method was worked out during 1917 under the jurisdiction of the chief engineer of the Board of Estimate and Apportionment of New York City. (See Reference No. 9.) It is based on various mathematical formulæ derived from a careful study of benefits derived from parks in New York City.

BOULEVARDS

Any well-designed park plan will ordinarily include a system of boulevards either within or connecting the separate park areas. A boulevard is both a part of the park system and a pleasure thoroughfare. It is therefore reasonable to distribute a very considerable part of the cost of the boulevard system over the city as a whole.

CIVIC CENTERS

In reality civic centers fall in the same category as parks, yet their importance the past few years and their almost certain prominence in the years to come warrant at least separate mention. One of the most elaborate civic centers is that developed by the city of Denver at a cost of \$2,685,000. This civic center is near the heart of the city and on territory previously built up by permanent buildings which had to be acquired by the power of eminent

domain and destroyed. It falls in one of Denver's four park districts which was assessed to meet the cost of the project on the basis of benefit.

4. PUBLIC UTILITIES

The financing of service extensions of what are commonly called public utilities—water, gas, electric, and street railway systems—by means of special assessments presents a somewhat different problem. With the exception of water supply extensions few cities have levied special assessments for public utility extensions. Nevertheless it needs no argument to show that the extension of public utilities confers a distinct local benefit. If the extension is not premature, the benefit conferred will exceed the costs of the extension.

Where the utility is privately owned, the extensions are of necessity privately financed, but where they are publicly owned the service extensions should be locally assessed because the benefit is local. It should not be overlooked that such a policy will tend to restrict service extensions until they are needed and will to this extent encourage a more economical development of public utilities.

Each utility presents distinct problems. In the following paragraphs the more important of these are discussed.

WATER LINE EXTENSIONS

Though a large number of cities meet the cost of laying water mains by special assessments, the majority still pay for service extensions from the surplus in the water fund. It is not easy to justify this practice of asking consumers to pay for new extensions. Service extensions should certainly be assessed.

Some cities assess a certain stipulated amount per front foot. This plan is obviously not equitable for the same reasons that have been pointed out in the case of sewers. The city of Bristol, Connecticut, in 1919, adopted a charter amendment which provides that when the estimated net income from water revenue from a new line shall be less than 10 per cent of the construction cost, the board of water commissioners may assess the deficit against the property benefited. Other cities have adopted similar provisions and on the whole the plan is commendable. Care should be exercised, however, to limit the application of this policy to lines primarily designed for private consumption. When extensions are made to support the distribution system, community benefit is involved and the difference in cost should be met from other sources.

The area of benefit and the individual assessments should be determined in accordance with the principles which govern assessments for sanitary sewers. The accruing benefit would seem to be similarly distributed in the two cases.

HIGH PRESSURE FIRE PROTECTION SYSTEMS

It is strange that many cities fail to recognize the possibility of special assessments in paying for separate high pressure fire protection systems. While there is an element of community or general benefit derived from the added safety of having an additional high pressure water supply service, this general benefit is slight compared with the very real benefit derived by the locality immediately served. In general these high pressure fire systems furnish water unsuitable and unused for any other purpose than fire-fighting, yet the ordinary practice has been to meet the capital cost by general taxa-

tion, and the operation and maintenance charges from water revenue received from private consumers. Here again the consumers scattered over the entire city pay for the protection afforded a limited number of property owners who are reaping definite benefits through decreased fire insurance rates and better protection. If benefit is to govern the distribution of the cost for local improvements, surely here is a clear case for the application of a special assessment policy. The area served should be the area of benefit and the individual assessments should be levied in proportion to land values. Though it may at first thought appear strange to use land value as a measure of the benefit to be derived from a high pressure system which protects combustible property, and not land, analysis shows that land values reflect very closely the economic possibilities of the locality. It is only on the higher valued land that the taller buildings can be erected profitably. While there are isolated tall buildings on low priced land, this very isolation limits the danger of a conflagration beyond the control of the ordinary fire-fighting system and therefore the benefit of a high pressure system.

STREET LIGHTING FACILITIES

Street lighting is primarily intended to protect the community against hazards of various kinds, and as such may be considered as providing a strictly community benefit to be paid for in the general budget. At the same time unusual street lighting, for example of an ornamental character, on a main thoroughfare does not fall within the terms of this definition and may be considered as conferring a strictly local benefit, and as such subject to local assessment. Furthermore, the cost of any street lighting improvement

providing facilities in excess of those recognized as necessary to safeguard the community could with equity be assessed in part against the property benefited at least to the extent that the cost exceeds that required to furnish the necessary facilities to afford adequate protection. Ohio specifically provides for the assessment of property benefited by street lighting. In several instances the courts have upheld the practice. Perhaps the most noted case is *Ankeny vs. the City of Spokane*, in which the courts held that the furnishing of electrical energy for street lighting purposes for a limited term is a local improvement within the meaning of a constitutional provision permitting the financing of such improvements by special taxation of the property benefited. It was also held that a street lighting system including ornamental features does not prevent the assessment of the additional cost incidental to these features against the property benefited. In view of the nature of ornamental street lighting a distribution of its cost on the basis of frontage would appear sound practice.

STREET RAILWAY AND RAPID TRANSIT LINES

In our growing cities the extension of street railway or rapid transit lines has more effect upon real estate values than the development of any other single utility. Figures show that timely extensions of transportation facilities cost less than the enhancement of land values produced thereby. In the case of one of the subway extensions in New York City the aggregate increase in land value of a district extend-

ing about a half mile on either side of the subway, due to the building of the subway, and in excess of a normal rise of \$13,500,000 was about \$31,300,000. The cost of the line was about \$5,700,000. Had the property which was benefited borne this expense through the form of an assessment, after paying such assessment, there would still have remained an aggregate profit of \$25,600,000 in excess of the normal rise in value.

This case is not exceptional. Transit facilities confer a distinct local benefit. It is clear, therefore, that financing publicly-owned trolley and rapid transit extensions offers a legitimate field for special assessments.

The distribution of cost, of course, will depend largely upon local conditions. The chief benefit resulting from the construction of rapid transit lines accrues to two zones of the city. The first of these is the business district, the boundaries of which must be determined by each city for itself. The second, and perhaps the more important, is the area tributary to the new line which will include the residential and undeveloped districts into which the line is extended. Very little benefit will accrue to the district intervening between these two areas except right along the lines themselves where these are surface street cars. The determination of the area of benefit in the residence districts and the apportionment of individual assessments are to be handled by the proximity method. In the case of subways and elevated lines with stations several blocks apart, the zones will be concentric about those stops. Express stops confer a larger benefit and justify larger zones and heavier assessments.

III. ADMINISTRATION

A well-planned and efficiently constructed public improvement confers a benefit upon the community at least

equal to its cost. This benefit is seldom distributed evenly over the entire city. In almost all cases certain lo-

calities benefit far more than others from the improvement. It is therefore only fair to ask the specially benefited areas to make special contributions to meet the costs involved. Any other policy results in a special benefit to some at the expense of the entire community. In recognition of this an increasing majority of our cities are financing improvements by means of special assessments. There are still some communities, however, that have yet to adopt the policy of special assessments, and there are no cities that have recognized the full implications or possibilities of the policy.

The success of special assessment policies depends largely upon administration. While it is the purpose of this report to deal primarily with the technique of assessing the costs of local improvements, the following broader problems of administration may be mentioned.

STABILIZED POLICY

Land values in any community depend upon anticipations. Wherever these anticipations rest upon uncertain foundations, needless costs and fortuitous profits result with an inevitable hampering of community growth. For this reason, a stabilized assessment policy is of great importance to the city as a whole. It assists in the stabilization of land values.

PUBLICITY

Publicity is the best safeguard a community can have against ill-advised and extravagant improvements. The administrative provisions for initiating and authorizing assessable improvements should therefore include adequate machinery for informing those who will pay for a given improvement what their individual assessments will

be and what benefit they may expect to derive. Methods should be established whereby all the pertinent facts will be made known and the opponents as well as the proponents of an improvement given their day in court. Where full opportunity to be heard and full publicity are guaranteed, the governing body of a community should have the final decision as to each individual improvement, in order that the conservatism of one locality may not thwart the best interests of the entire city.

COLLECTIONS

Special assessments should be payable either in a lump sum or in installments at the option of the land owner. Such a policy makes it possible to lay and collect relatively heavy assessments without hardship. It is also of the utmost importance that collections be rigidly enforced. A lax policy of tax collection is more expensive in the long run, and proves particularly embarrassing in the case of special assessments.

ASSESSMENT STANDARDS

Certain cities experimenting independently have evolved standards of special assessment administration. It has been the purpose of this report to outline these standards and to make them the common property of all public officials and students of government.

The determination of the broad questions (1) of the share of the cost of any project that is to be assessed, and (2) of the boundaries of the area of benefit, must be settled for each individual project, but always on the basis of an established municipal policy. The lack of such a general policy and the settlement of these questions in accordance with political expediency can result in nothing but

injustice and fluctuating land values.

Once the amount to be assessed and the area of benefit have been determined the individual levies can be made equitably on the basis of accepted assessment rules. It must not be for-

gotten that these rules have been based on careful analyses of the effects of different types of improvements and of long experience, and that their conformity to the facts has been frequently tested.

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NOTES AND EVENTS

C. A. Dykstra has resigned as secretary of the City Club of Chicago and moved to California to become secretary of the Los Angeles City Club.



Harry H. Freeman has resigned as secretary of the City Managers' Association to accept a business position. Paul B. Wilcox, assistant city manager of East Cleveland, Ohio, succeeds Mr. Freeman as secretary of the C. M. A.



Miss Edith Rockwood, formerly on the staff of the Woman's City Club of Chicago, has been made executive secretary of the Illinois League of Women Voters with headquarters at Chicago.



Kenosha to Vote on C. M. Government.—Early in January the League filled a rush order from Kenosha, Wisconsin, for 10,000 copies of the "Story of the City-Manager Plan," one of the pamphlets of our Pocket Civic Series. These were used in the campaign for a city-manager charter which culminated in an election on January 26.



Illinois Municipal League.—Among the immediate projects of the League announced by Secretary R. M. Story of Urbana is the promotion of legislation that will make possible the further adoption of the city-manager plan among Illinois municipalities. At present only cities of 5,000 or less are empowered to adopt the plan.



St. Paul Rejects New Charter.—St. Paul voters are to be congratulated upon having rejected the charter submitted at the election on December 29. As explained in the January REVIEW the new charter provided for a mayor and council to replace present commission government. The mayor-council plan was not of the approved type, however. A number of administrative boards were set up and power was divided between the mayor, the boards and the comptroller.



Boston Elects New Mayor.—Although hardly a political leader in the city supported him, James M. Curley won the Boston mayoralty con-

test last December with a plurality of 2,698. The mayor-elect's past term, 1914-1917, was against him, as his opponents found no difficulty in capitalizing on many points, but despite their logic and the Good Government Association's backing of John R. Murphy, Mr. Curley's campaigning methods and personal appeal won him the necessary votes.

There were four candidates in the field, and the contest was unusually intense and bitter in personal criticism. At the polls the women did not show as much enthusiasm as was expected of them, and the Murphy supporters believe that this fact was much to their candidate's disadvantage.

The total vote cast was 160,906, and was divided as follows: James M. Curley, 74,260; John R. Murphy, 71,562; Charles S. O'Connor, 10,818; Charles S. Baxter, 4,266.



A Judiciary Constitutional Convention.—It has been a year of economic disturbance and acute international crises, so the ordinary man may be forgiven if he paid little attention to the judiciary constitutional convention which recently adjourned in New York. Created by the 1921 legislature to suggest amendments to the judiciary article of the state constitution it reports that no material changes in the judicial system are necessary. The election of judges is to be retained in preference to the appointive system. No changes are proposed in the organization of the higher courts and only minor ones in the organization of the lower courts. The convention was indeed free from what Macaulay called the "mere rage of experiment." Compacency was the keynote.



Altoona Council Gives Up C. M. Plan.—Advocates of the city-manager system have always pointed out that where it has been adopted by a mere ordinance of the council it is relatively unstable and not apt to be so effective as where it has been made an organic part of the charter. Altoona, Pennsylvania, is a recent case in point. After several years of successful operation under a commission-council pledged to the plan two new members were elected opposed to it. As a consequence Altoona reverted to com-

mission government on January 2. C. Gordon Hinckle, who served as manager for the four years the plan was in effect and enjoyed the full confidence of the old council, has been appointed manager of Columbus, Georgia.

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Esthetics and the Constitution.—The recent case of *Town of Windsor v. Whitney* in the Supreme Court of Connecticut (95 Conn., 357) deserves mention. A statute providing for a building line set back from the street line where a private owner seeks to open streets through his property, such streets and setback to be in accord with a town plan previously adopted by the town commission, was upheld as constitutional and as a proper exercise of the police or general legislative power of the state, requiring no compensation to the owner. Incidentally the court referred several times to beauty as a factor supporting such regulations and as stabilizing land values. It also said: "The state . . . may prevent the erection of billboards or limit their height. In short, it may regulate any business or the use of any property in the interest of the public health, safety or welfare, provided this be done reasonably. To that extent the public interest is supreme and the private interest must yield."

ALBERT S. BARD.

Further Administrative Consolidation Proposed in Massachusetts.—The Massachusetts commission on State Administration and Expenditures reported last month recommending more complete reorganization of the state departments. The commission finds that the act of 1919 did not concentrate authority in any one center and therefore did not and could not attain administrative efficiency. It will be recalled that this measure set up twenty independent departments in addition to several agencies which were left under the general supervision of the governor and council. Practically all the offices connected with the former administrative agencies were retained without alteration in personnel or duties.

The commission believes that there is much waste and inefficiency due to the failure to secure complete reorganization. It finds that there is no uniformity among the departments with respect to purchasing methods. The present system of accounting is wholly inadequate for the needs of to-day. Because of defective co-ordination each department thinks primarily if not exclusively of its own work rather than of its function as a co-operating part of a common instrument. The commission believes that it proposed consolidations would save the sensational sum of \$10,000,000 a year.

H. W. DODDS.

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VIEWS AND REVIEWS

The thinness of the REVIEW these days and the use of small monographs, reports, etc., in alternate months as substitute for a normal issue, reflects the universal "contributors' strike." Ordinary memberships have held up in numbers only as a result of increasing industry by Miss Howe in finding new members to replace the resignations of the folk who are "cutting down expenses." Mr. Dodds' acceptance of the Nicaragua mission is designed to relieve the treasury and so also is the release of Dr. Hatton, our field director, to take effect in August, or sooner. One phase of our poverty is a lack of working capital wherewith to keep up self-sustaining enterprises. Mr. Bassett's supplement on Zoning, for example, is the handiest, compactest, completest introduction to this live subject ever written, but it is out of print and there is no substitute. Requests for it are incessant. We could make a profit on a new edition. Our Model Charter, another good seller, is exhausted. A fine salable work on "City Planning" by Thomas Adams has waited a year because it runs eight pages or so beyond our limit. The "Pocket Civics" series lists items as "In preparation," but to be frank, they are waiting for a couple of hundred dollars to cover the initial investment. We are living within current revenues

but the quantity and effectiveness of our work is sadly restricted.

Have patience with us until times change!

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With the defeat of the Alameda, California, city-county manager charter followed by the defeat of the second trial of the same measure as applied to Oakland alone, there ends for the present an effort that illustrates the characteristic patience of political reformers. The effort began at least eight years ago and involved getting a constitutional amendment and educating the local public. The charter was imperfect by our standards in that it put departments into the control of long-term independent boards appointed by the city-county manager but that was not the reason for its defeat. The defeat was due to inability to persuade the outlying communities to relinquish their expensive independence and enter the consolidated government.

A similar obstacle lies across the path of a similar project in Westchester County, just north of New York City. Here is a huddle of suburbs and manufacturing villages separated in many cases by nothing but imaginary lines that serve no purpose save to multiply officials and tax bills. There are 4 cities, 18 towns, numerous villages, park, water, sewer, lighting, fire and

school districts, 150 taxing bodies altogether, and no means of working in co-operation except through the stage-coach style of county government operated by a debating society of 40 supervisors. Yet at the first hint of organizing this chaos, every fearful little job-holder finds friends everywhere who will join his cry for independence. In some of the petty governments it is difficult to find enough candidates to fill a ticket, so trivial are the duties and the opportunities for either salary or usefulness. Yet that human trait of loyalty to the nearest and smallest geographical and political unit in preference to larger ones will stir people who ought to know better to fierce oratory in defense of the autonomy of these feeble little governments!

The Alameda-Oakland case represents the third time that the creation of a county manager has reached a referendum, the previous cases being San Diego County, California, and Baltimore County, Maryland. All have been defeated, but who of us minds that? The idea is on the map! The next case is Sacramento. Our Model Charter in the city has started off brilliantly, and after a year of blockade by absurd legal quibbles, the county votes to elect a Board of Freeholders on February 18, the purpose of the election being to secure a county manager. And if that fails, there are Westchester and Nassau counties with official commissions at work on new forms of government and after them comes the Michigan county amendment.

A Boston newspaper recently got itself all heated up over the fact that the Massachusetts judiciary is not elective as in most other states, and, as a journalistic feature, went to war on behalf of an amendment to throw the judges into politics. It found almost nothing to say in disparagement of

the Bay State's famous judiciary but confined itself to a fantastic vision of the joys of the people in those states where judges are elective. No good American will manifest the slightest diffidence in tackling a question of political science and so there were several crowded hearings in which speakers demanded "that the people be given the right," "that the judges be made directly responsible to the people," "that the people be trusted," etc. The doctrinaires and theorists who furnished the arguments for the proposal were met by an unsound and dangerous defense—namely, that "the appointive method, although undemocratic, gives us high-grade progressive non-political judges." It was assumed on both sides apparently that the elective method was more democratic!

Similar false reasoning necessitated the short ballot movement, but warm friends of that movement, absorbed with the argument that the appointive method of filling obscure offices would be more efficient, have overlooked that it is more democratic to have them appointive by the executive than hand picked by partisan machines as is inevitably the result with long ballots.

The Boston incident shows the desirability of abandoning a silent defensive. Sooner or later the positive fight must be started to take judges off the ballots and make them appointive in the interests of democracy. The so-called elective judges are in reality appointive now, appointive by obscure irresponsible cliques in the dominant party machines—there is nothing democratic about that! And what motives could we not reasonably assign to those who would defend a system of selection so open to secret access of corruption and privilege!

RICHARD S. CHILDS.

THE MIDDLEBORO REVOLUTION

BY JOSEPH Q. DeRAAY

THE overturn of the commission form of government in Middleboro, Missouri, following a protracted quadrilateral deadlock between the executive officers, presents an interesting spectacle in American city government.

The "reform" administration elected in 1920 had been in office three months when the commissioner of finance died. The night of the funeral the remaining four commissioners sat up all night trying to determine which one of them was to inherit the duties of the finance department. No decision was reached. The struggle became so bitter that two members refused to meet the other commissioners, and for a time each group held separate meetings and endeavored to enact ordinances and dispose of the city's business. The mayor and the commissioner of public welfare maintained that they were the legal "commission," while the city attorney ruled that they had no quorum and could not, therefore, be considered "in session for the transaction of business." A few months of this dual government brought matters to such a crisis that the two groups split within themselves and a four-cornered deadlock began. Each commissioner refused to speak to any of the others. Each Tuesday night the mayor, who had seized the gavel, called the empty chairs to order and announced the lack of a quorum and went home.

In April the treasurer, an appointee of the dead commissioner of finance, timidly notified the four commissioners that the funds were about exhausted and that it would be necessary for the commission as a body to authorize certain temporary loans. About the same time the assessor also hinted that the assessment roll was ready to be

confirmed and the tax extensions entered if the commission would only meet to determine the tax rate. By this time the commissioners had developed such mutual hatreds that injunctions, mandamuses, and libel suits made any compromise impossible. On May 8 the city pay rolls were not met and the banks refused to advance funds to any of the commissioners, though a few individual policemen were paid and the downtown fire station was maintained by the chamber of commerce and the bankers' association.

On May 12 a fire in Hillview Park, a better residence section, which the mayor claimed the commissioner of public safety started, consumed three homes before it went out. This brought on the revolution. Without sheets and masks or grand goblins, those who had gathered to watch the fire organized spontaneously and marched to the homes of the four commissioners and literally dragged them to the city hall and held them in their respective chairs. While there had been no further plan than to force the commissioners to resign, someone suggested that the commission be forced to take advantage of the home rule provision of the state law and call an election to vote for a charter-drafting commission. The ordinance was recorded as adopted by the city clerk, and the resignations were also recorded as offered and accepted. The commissioners were made to realize that if they did not sign the minutes "of their own free will" they would be deported.

That ended commission government in Middleboro. The people voted unanimously for charter revision and the leaders of the "revolution" were elected without opposition.

PARTNERSHIP IN GOVERNMENT

AN EXPERIMENT IN EMPLOYMENT ADMINISTRATION

BY W. E. MOSHER

National Institute of Public Administration

The Post Office Department has created a modern "welfare division" to deal with personnel problems in co-operation with representatives of the employes. :: :: :: :: :: :: :: ::

WHAT with the accumulated results of political appointments, remote and unwieldy civil service administration and autocratic control on the part of executives, the standing of the civil service in this country is generally well below par. In fact in many circles the term civil service has become synonymous with inefficiency. Even that most sympathetic critic of our government, the late Viscount Bryce, felt compelled to place the civil service of the United States at the bottom of the list as compared with the public services in the modern democracies which he so searchingly reviewed. In view of the recent and probable future extensions of the functions of government—municipal, state and national—the thoughtful citizen is bound to view with deep concern the declining rather than the improving status of our civil service. It is, therefore, a matter of peculiar interest and importance that the largest employer of civil workers in the country, the postmaster general, announced an innovation in employment policy some six or eight months ago that promised to put his department abreast of the most progressive private establishments of the country. This innovation may well prove to be the beginning of a new period in public employment management.

In Mr. Hays' first published state-

ment he supplies the text of his program. It runs as follows:

The success or failure of all enterprises depends more than anything else upon the spirit in which those who have it to do enter upon their tasks.

Having the *spirit right* was dictated in Mr. Hays' mind not alone by good business but also, and not a whit less, by good Christianity. He has repeatedly and unreservedly described his employment program as the 1921 application of the Golden Rule. Good business and good Christianity are, therefore, the foundation pillars on the basis of which the Post Office Department was to be "humanized." Concretely the following policies gradually took form: square dealing, the recognition of merit, the most direct contact possible, the right and privilege of self-expression and satisfactory working conditions.

CREATION OF WELFARE DIVISION

For the purpose of ensuring the adoption and continuous operation of this personnel program, a special division was created which was to be "just as definite in its duties and as certain in its execution as the fiscal or any other department in the government." That is to say, the postmaster general planned to install what is com-

monly called in industry a functionalized personnel department. Although it is termed Welfare Division, its duties are as comprehensive and far-reaching as those of most personnel departments.

Having in mind the progress that had been made in employment control in private concerns, Mr. Hays invited Dr. Lee K. Frankel, a vice-president in the Metropolitan Life Insurance Company, to organize and administer the Welfare Division. Dr. Frankel had had wide experience in this work, having been one of the directing factors in the development of the personnel work of the Metropolitan Life Insurance Company, which now has one of the best known and most copied employment departments in the east.

NATIONAL WELFARE COUNCIL

The first important step of the new division was to find some means of transforming the 326,000 employes into co-workers or "partners," as Mr. Hays has delighted to call them. In his own words "to humanize the service meant to make every man and woman in it feel that he is a partner in this greatest of all the world's business undertakings, whose individual judgment is valued and whose welfare is of the utmost importance to the successful operation of the whole organization." As regards the public service, this is the most interesting and at the same time the most revolutionary phase of the proposed program.

The idea of self-expression and sharing in control inherent in partnership demanded for such an army of workers some form of organization that necessarily had to be based on the principle of representation. Dr. Frankel wisely used the means of such representation already at hand in the form of the national associations of postal em-

ployes. There are at present eight organizations. Their presidents and secretaries were called in to discuss the feasibility of forming a national welfare council, then later to suggest, pass on and finally adopt a constitution for such a council.

According to the constitution this council is to be the clearing house and advisory board with regard to all issues affecting postal employes on a national basis. There are no strings attached to the proposed functions of the council. In the words of the brief but comprehensive constitution, it may discuss and consider "all matters affecting working conditions of employes or relations between employes and the Post Office Department, or co-operation between employes, officials and the public." It may further consider appeals from rulings of local administrative officials, either when requested to do so by the Post Office Department or on its own initiative.

A basic guarantee of the official standing of the council is given in that it reports its recommendations through the chairman, the welfare director, directly to the postmaster general. In accordance with the most advanced practice in modern organization, the welfare director, the chief personnel officer, has immediate access to the head of the business and also has his fixed place on the executive board, *i.e.*, the cabinet of the postmaster general. As an executive officer of the first rank, the welfare director can thus bring about readjustments in established administrative practices through the process of co-operation with the other executives—in an old-line establishment like the Post Office Department this is no slight task—but he can also help shape up new policies with reference to the development of the "right spirit" among the workers.

The success of the National Welfare

Council is already an assured fact. The officers of the national organizations who, by virtue of their positions, have often been a medium of protest and criticism, thus actually fulfilling a more or less negative function, have shown in the meetings of the council not merely a willingness to co-operate, but also initiative and enthusiasm in furthering the plans of the head of the department. As the latter expressed it, his contacts with the leaders of the postal organizations who, in the past, had been fighting the postal management, had convinced him that they were "now ready to take off their coats and to go out and tell the other boys to take off their coats and altogether to put the postal department right in the front in service." The proof that he was right in his feeling may be found in the stenographic reports of the meetings of the National Welfare Council. A reservoir of intelligent interest, of worth-while suggestions and criticisms has been tapped, and its possible resources cannot readily be estimated for some time to come.

LOCAL WELFARE COUNCILS

The method of partnership in the local post offices is through the organization of local welfare councils which are authorized for all first-class post offices and centers where any considerable number of railway postal clerks come together. The members of the council number eight. They are elected from the carriers, the clerical and the supervisory force. They hold office for one year. It is their function to consider matters of local interest that would lead to improving the efficiency of the postal service in the given locality. Whatever affects working conditions, such as sanitation, heat and light, appeals and grievances, but also methods of carrying on the work, co-

operation between employes, officials and the public, may be passed upon by the council and recommendations forwarded to the local postmaster. As was indicated in the description of the duties of the National Council, the local councils have the privilege of taking up matters not satisfactorily adjusted directly with the central body.

It is difficult at the present time to forecast the ultimate possibilities of this democratic type of organization. Reports, however, indicate that there has been a widespread and vital interest in the formation of local welfare councils. According to a press release in the month of January, some 800 councils had already been organized in various sections of the country. Dr. Frankel points out in this release that the activities of the councils are as varied as could well be the case. The efficiency rating system, the matter of leave, period of payment of salaries, and other questions that vitally affect the workers have been discussed. Working conditions, as, for instance, the question of light, ventilation and cleanliness, have frequently come in for consideration. Also the conditions of work itself, such as the arrangement of the work periods, the possible use of stools at distribution stations, case examinations, and the like, have been handled in a constructive manner.

The council of the Department proper at Washington already has a fine list of achievements to its credit. It has investigated and brought about action with regard to first-aid rooms, an improved cafeteria service, the installation of a library, and a program for entertainments.

This brief summary will indicate that the broad platform of duties and functions outlined in the constitution of the councils has been taken both literally and seriously. It also shows that there seems to be no direction in

which the councils may not become active.

Early in his career as postmaster general, Mr. Hays registered the conviction that the postal employes had "the brains and the hands to do the job well, but that some place along the line the heart had been lost out of the works." The welfare councils are the chief outward expression of his intention to put the heart into the works and thus to enlist a more active co-operation of the brains and hands. One can say that he has already made considerable progress. His job has become to the typical postal employe more than a means of earning a living. He is making his employer's business his business as never before. The councils are stimulating interest and provoking suggestions, but also providing a direct channel of expression to those who are in a position to adopt and enforce whatever is worth while. When it is considered that the Post Office Department with the introduction of the postal savings, parcels post, motor vehicles and aeroplane is now undergoing what amounts to a transformation, the opportunities for constructive co-operation on the part of the men who are doing the work are simply untold. Although the "partners" of the postmaster general are only just getting under way, they have already proved how profitable it is "to put heart into the worker."

THE ENVIRONMENT OF THE WORKER

In the belief that the postal employe should work under healthy and wholesome conditions and that it is the proper business of the employer to provide such conditions, the responsibility for investigating and reporting on working conditions in the thousands and thousands of buildings now housing offices and stations of the Post

Office Department was naturally deputed to the Welfare Division. For purposes of observation, the welfare director took a two months' trip in which he swung from one seaboard to the other. He visited a hundred and more offices inspecting working conditions, but also addressing the members of the local staff and bringing to them directly from the head of the organization a message as to the newly adopted employment policy. This personal contact greatly expedited the formation of the welfare councils, but it also provided the postmaster general with first-hand evidence concerning the deplorable and indefensible conditions that are to be met with in all too many offices scattered throughout the country. Practically every good standard, as to air, light, heat, cleanliness, sanitation, is violated in office after office.

The personal inspection carried on by Dr. Frankel was then supplemented by questionnaires which were forwarded to and filled out by 4,000 post offices concerning working conditions and employment matters. These questionnaires consist of 206 questions. They constitute what might be called a labor audit of the first and second-class post offices. They go into the utmost detail. Among other things, they call for the number of individual wash basins for the men and for the women, the number of bubble fountains and water faucets for drinking purposes, also the frequency with which floors are scrubbed or mopped, and the walls and ceilings painted. The questionnaire further requests information as to turnover, methods of getting suggestions and grievances and cultivating good will.

The results of these 4,000 questionnaires are already being digested and plans are being made for improvements necessary to bring about the adoption

of good standards along various well recognized lines. The replies will ultimately form the basis of a constructive employment program as well.

CONCLUSION

The best summary of the results of the workings of the employment policy just described may be found in a recent magazine article prepared by Mr. Hays. He writes:

I was sure that by merely introducing a different spirit into the relations between the employes and the Department, by making the employes more comfortable and giving them assurance of their future commensurate with their worth and importance as a matter of simple justice—by merely doing this I felt confident we could accomplish the equivalent of adding many thousands of employes to the Department.

At the end of a nine months' trial, he then adds that his assumption has proved to be entirely correct and he feels justified in commending his experience to the attention of employers, both public and private.

But it is not necessary to depend on Mr. Hays' judgment alone as to the success of his policy. Commendatory resolutions have already been passed by a large number of chambers of commerce and other associations as to the improvement in the service rendered by the Post Office Department under the leadership of the present postmaster general.

Generally speaking Mr. Hays' experiment in employment management under civil service conditions is a contribution of no mean proportions. With refreshing directness he breaks through the wall that has usually separated the government administrator from the rank and file of his staff. He appeals to the latter as man to man and invites them to appeal to him as man to man and co-worker to co-worker.

As a result he finds them not alone with their coats off, but on their toes, alert and eager to put their shoulder to the wheel.

Thanks to the present postmaster general at least a beginning has been made toward sweeping aside the tradition that civil service is a low-grade service and that it offers no opportunity for a young man or young woman with ambition and ability. But it was just this to which Mr. Hays addressed himself. His goal has been to make public service "more and more a desirable career into which the young can enter with the certainty that the service will be performed under reasonable conditions and for a reasonable wage and for an appreciative people." This is unfortunately, under existing circumstances, a high ambition and one calling for the reformer's zeal and qualities of real leadership.

How difficult this task is can best be understood when one hears governmental executives and legislators, that is, those who should know conditions best, berate the civil service and signify that it is no fit place for able and ambitious young people. It is no less serious that, according to the last report of the United States Civil Service Commission, some forty college and university officials indicate their unwillingness to recommend civil service positions to their graduating students. These conditions, when taken in conjunction with the recent expansion and growing significance of governmental activities, indicate that it is high time that some one in authority should preach the gospel of a civil service career as a worthy and worth-while career and use his power to prove it to be such.

Sooner or later the government, in the name of its own well-being and even from motives of self-protection, will have to reform the status of the

civil service in this country in a most drastic way. There is no reason why government service with us should not bring honor and position just as it does in foreign countries. The government as employer cannot and probably should not compete with business institutions on the score of salaries, but by means of the distinction and standing in the community that it may attach to public office, it can easily and effectively outbid its competitors as may be proved by referring to foreign practice.

Through the Welfare Division and the welfare councils, Mr. Hays has taken a positive step in the direction of rehabilitating the civil service and

making the government a good employer to work for. In this procedure he is also showing the feasibility of running one large department of our democratic government in a democratic way. If it is possible to achieve so large a measure of success in the laboratory of the Post Office Department in spite of its many handicaps, such as size, separation of working units, large number of intermediaries, and the like, it may be that other of our public administrators will be encouraged to try out within the limits of their own jurisdiction the basic features of this significant experiment in employment control.

ZONING CHICAGO

BY E. H. BENNETT

Director of Zoning Work for the City of Chicago

The vast task of zoning Chicago to define business, manufacturing and residential districts, to regulate heights of buildings, etc., is well under way and this is an account of the process as Mr. Bennett described it at the American Civic Association's recent convention.

I

THE assessed valuation of property in Chicago in 1920 was over \$1,576,000,000, not including railroad properties or parks, making the real estate and improvement values approximately three billion dollars. All of this real estate and improvements are affected by the zoning ordinance now in preparation.

Approximately one billion dollars has been spent in building development in the last ten years in Chicago on industry, business, and housing construction. It is probable that equipment expenses will amount to 25 per cent additional on an average. The total expenditure in thirty years, in-

cluding the past ten years, is estimated at \$5,250,000,000.

The sum total of saving that can be achieved by reason of regulated growth and resultant preservation of values, and creation of new values, etc., in this period,—or in one generation,—it is safe to estimate at not less than one-fifth of this sum, or \$1,000,000,000!

II

Zoning in America, however, is to be done not only for the next twenty years but for cities which will no doubt last for centuries. It is important that it be done thoroughly, and for this reason it must be based on a most complete survey of present conditions.

Before we can zone Chicago, we must take stock of what we possess. It is necessary to know in the most minute detail what are the existing conditions of building development throughout the entire *city* area, and to some extent in the territory *lying beyond* the city limits. When this information is obtained, we next have to determine what kind of development will be best suited to the prosperity of Chicago, and then we must put in operation the ordinance necessary to carry this out.

The work of survey is going forward and parties of surveyors are in the field every day surveying conditions and checking up on maps the records of development which already exist. The work is organized to take in outlying districts first, insofar as is possible, due to the fact that winter has begun and conditions for surveying in the outlying districts will be less favorable as time goes on; and the survey will march progressively from the outskirts to the center of the city, finally enveloping and recording the situation in the intensely developed loop district.

At the same time that the field work was begun, a drafting force was organized and is at work on checking, correcting and redrafting, where necessary, the maps, and recording the information gathered in the field. This is a large job and requires a greater number of men than the actual survey in the field. By this work the bases will be created for all of the various special studies which must be made in connection with the zoning work. The total staff is now thirty-two men.

III

The field survey, as is usual, will record all uses to which the present buildings are put, separated into classifications and types, about sixty in number.

The industrial class will cover indus-

tries which by their nature are nuisances or objectionable from the point of view of health or comfort of the public; or those which are unobjectionable but which nevertheless belong in the manufacturing class; and an intermediate class in which some manufacturing is carried on and in which wholesale, storage, mail order business, repacking, etc., are included.

The commercial class will include every building of a commercial nature, such as an office building, bank, general business, and retail stores; and the residence class will be differentiated into single houses, two flat buildings, apartment hotels, boarding and lodging houses and clubs.

Classification of these buildings is one of the most important features of the work. Classification, simple in the main under the general terms of Industry, Commercial and Residence, leads, nevertheless, to the most interesting considerations in the fixing of the categories for the actual zoning areas, and *special cases* are numerous. Certain uses,—for instance, public garages,—offer real difficulties. Public necessities, they are to some extent public nuisances. They are a part of a city's transportation facilities and therefore must be broadcast throughout it. The minor manufacturing concerns or retail establishments having small numbers of industrials, clearly must be provided for throughout the city wherever commercial business exists. The classification, therefore, for zoning will pay strict attention to the organized life of the city and its economic necessities.

The Sanborn Insurance Atlases are used in the survey. The field survey includes the following data in addition to that covered by these atlases: the separation of one- from two-family house, and multiple occupancy of houses and flats; state of depreciation of all buildings; check as to uses of

industry; (frequently stores are now used for industry and dwellings for stores) correction of errors; character of neighborhoods as to maintenance; and vacant buildings.

The most vital feature of the entire work is the determination of the Use Districts. The first purpose of zoning is to promote the prosperity and welfare of the city, and with this in view it is necessary to create conditions favorable to industrial enterprise, to the facilitation of business, and to the improvement of living conditions, which in a broad general sense may be said to result from the proper ordering of the industrial and commercial districts. A thorough study of existing conditions, therefore, is necessary in order that the provisions for the future may rest on a sound basis and be consistent with the best development of the city as a whole.

The survey will include not only a record of the uses to which properties are put but will also record the height and percentage of the lot occupied by buildings and the setback.

The survey and routine work is under way,—some 30 per cent of the area is done.¹ The work of outlining the classifications for the record as to the use districts is made. It will be followed by that of height and area districts, all studied and worked out with reference to the findings of the field survey.

In progressive stages, maps will be prepared of various important studies which will have a bearing on the final determination of the zoning plans. These studies include:

(a) The width of streets (Chicago Plan);

(b) Streets open and streets paved;

(c) Street grades where they affect the zoning problem, including all types of railroad crossings;

¹The survey work is now 78% done and the recording 65% complete.

(d) Time zones of transportation lines, indicating the number of minutes required to go from one point to another in the city, but with special reference to access to the central business district;

(e) Land values where they would affect zoning;

(f) Restricted areas in the new districts having similar restrictions under the zoning ordinance;

(g) The width and depth of lots in residence districts and the setback from the street;

(h) Population densities;

(i) The effect of the zoning plans, as laid out, on the distribution of the working population will be considered;

(j) The areas of lands necessary for the conduct of business and industry in their proportionate relation to residence and expansion;

(k) And also the very important study of the effect of railroad right of ways and yards and waterways on the zoning plan. The chief angle of interest in this consideration is that of recent congressional legislation governing the grouping of railroads.

IV

Following the preparation of the surveys and the work on various special subjects outlined above, a tentative zoning map will be prepared in sections, and conferences held with groups and representatives of associations. This map will be discussed thoroughly during its preparation by the whole commission and then printed, and at the same time a tentative draft of an ordinance will also be prepared and discussed by the commission. This map and ordinance will then be used at a public hearing to be held as provided for in the house bill covering zoning and the ordinance then submitted to the council.

THE ST. PAUL CHARTER FIGHT

BY A LOCAL CIVIC WORKER

THE people of St. Paul have refused to go backward governmentally. On December 29, a proposed aldermanic charter, designed to supplant the present commission plan, was defeated overwhelmingly at the polls. The vote was 15,937 for and 21,551 against. A 60 per cent vote is required to pass a new charter.

Numerous elements entered into this result. The most effective campaigning, however, was made on the issue that the change to be voted upon was not a step forward,—that the proposed charter was not sufficiently better than the present to justify its passage.

The opposition did not attempt to defend the existing form of government. Rather, it was contended that there is need for a new charter, but not for such a reactionary measure as was presented. The opponents pledged themselves to work for a new progressive charter immediately after the defeat of the proposed document. Already steps are being taken to draft a new charter.

The present charter is a hybrid form of the commission plan. There is a legislative body of seven,—a mayor and six commissioners elected for two-year terms. Each member of the commission, immediately after taking office, is appointed by the mayor to administer one of the large departments. The mayor is not an administrative officer. A comptroller is elected as the chief accounting officer of the city. He also has budget-making responsibility, in that he determines the amount of the budget and the commission cannot increase the total in the aggregate over 3 per cent or any item more than 10 per cent.

The proponents of the proposed charter claimed that defects inherent in the commission type are to be found in this charter. Expert administration is precluded; there is an almost continual changing of commissioners. It has failed in a large measure to attract to office men in whom the people have confidence. It has, however, made concrete in St. Paul the meaning of real popular control of the machinery of government.

The proposed charter was a modification of the federal type. Its foes maintained that it was a long, complicated, unintelligible document, drawn in haste, and containing numerous compromises to meet the exigencies of practical politics. Strong objections were made to the manner in which the legislative body was to be secured,—a council of fifteen, twelve elected by wards and three from districts of four wards each. The people had not forgotten their experiences with ward elections before the adoption of the present charter. The mayor, under the proposed measure, was given broad appointive powers, but very little responsibility could be placed upon him, in that there were to be boards for several of the large departments, the members of which were to be appointed by, but not subject to removal by, the mayor. Further, the mayor had not effective control over the devising of the budget and could not be held responsible in any way for the annual financial and work program of the city.

The civil service provisions were attacked because the employes of such departments as purchasing and public works were exempt. The public im-

provement sections were so drawn as to retard rather than promote the growth of the city. Since the mayor was to appoint the board of education and be its president ex officio, it was feared that the schools would be taken into politics.

A bitter campaign was waged to have the new charter adopted. Two daily papers were for it. A new charter committee was formed to work for its passage. However, no large civic organization took any active steps to promote its passage. The Trades and Labor

Assembly and the powerful League of Women Voters, as well as one daily paper, were actively against it.

The time was ripe for a change in St. Paul; taxes were high; the people were civically restless; almost everyone conceded the need for a new charter. Yet the people refused to accept a measure that would take them backward, not forward.

Are the experiences in Cleveland, St. Paul, Minneapolis, and Kansas City, an indication that our larger cities are awakening?

THE CITY-MANAGER PLAN, AS IT WAS WORKED IN AKRON

BY GUS KASCH

Former Member of Akron City Council

The city-manager plan started off in Akron in a densely political and partisan atmosphere with a local politically-powerful figure as manager, giving a perfect test which is still working itself out. :: ::

THE charter under which Akron is now operating became effective in 1919. The council until January 1, 1922, consisted of eight councilmen elected at large, and a mayor who had no veto power but had a vote as a councilman. On January 1, certain amendments became effective, among them restoration of ward representation and veto power of mayor, but taking away his vote in council.

The advocates of the business-manager plan had represented and really believed that the manager, once chosen by a representative council nominated at partisan primaries but selected on a ticket without partisan designation, would not be influenced by political considerations. They had objected to the federal plan of permitting the people to choose their manager directly (call him that instead

of mayor or city president, or city governor), because he would be likely to be influenced by the elements contributing to his election. The idea was, that an out-of-town manager would be chosen, making doubly sure that he would see only, and serve only, the public interest.

The first election was held in 1919; the two opposing parties lined up in the usual manner and the winning party chose as its candidate for mayor an able young man, a lawyer, who had earlier served two years in the office. This party pledged itself to give an administration in conformity with the spirit of the charter and asked to be placed in office because they, rather than their opponents, were friends of the charter and that the charter ought to be administered by its friends. They elected six of the eight councilmen and the mayor, thus gaining seven out of

the nine votes. But what happened after election in the party councils behind closed doors is now leaking out. The argument ran thus: "We have an air-tight Republican council; we have the four, four-year councilmen, and two of the two-year councilmen, as well as the mayor. It will be almost an impossibility for us, at the next election two years hence, to fail to elect at least one, either the mayor, or one of the four councilmen. If then we elect only one, he, together with the four we have for four years, will hold our control. Why not order our councilmen to appoint as manager, the man we elected as mayor? He won (due largely to a wide split in the Democratic party) by the largest majority by which a mayor was ever elected, which proves his popularity with the people. Since he has had two years' experience as mayor, he will probably satisfy the people, even though we are charged with playing politics with the new charter. In this way, also, we shall keep the appointing power in the hands of the organization; if an unknown manager comes in, he may ignore party advice and act on his own initiative, or upon the advice of the chamber of commerce, or business interests, and we shall not be consulted."

The more cautious and less partisan members of the organization objected to the procedure. They forecast defeat at the next election, but the organization prevailed. The elected mayor, after making all the appointments entrusted to him under the charter, tendered his resignation and was immediately elected manager by the council. He then appointed as safety director, the professional party organizer. This man was qualified for the position, as he had organizing ability, and the police department needed reorganizing. He has since resigned to be appointed postmaster.

When there are great struggles to gain hold of the city hall machinery, there is also, usually, a franchise-grant of some kind in sight. This is true in Akron. The transportation company, having also the light and power contracts, faces an expiring franchise in 1924. It, like all the electricies in the land, is heavily "watered." A new contract, recognizing what it claims as value, is very desirable, if not absolutely essential to maintain solvency.

A part of the organization plan was to enter into a new contract with the utility company. It having been arranged in advance that the vice-president of the council was to become mayor by elevation, he was named by the elected mayor as chairman of the public utility committee of the council. Such an important chairmanship would naturally go to the ablest man in the body. The man named to fill the vacancy, however, was one who had never been known to engage in any public activity, a dentist, and a personal friend of a newspaper owner political boss. No sooner had he his chair nicely warmed, than he introduced a prepared resolution, asking that his committee be authorized to write a letter to the utility company, asking that negotiations be entered into looking to a new franchise. Like all other utility companies, the Akron concern naturally wanted to "get out from under" the contract rate of fare, it being no longer so profitable under rising costs of labor and materials, as it had been for the preceding nineteen years. The company had, it was said, "endorsed the notes" of the publishers of two of the three local newspapers in time of need, thus purchasing immunity from criticism, and with a view to a renewal of the fat contract when the time should arrive. That time arrived when our city-manager plan became effective in 1919.

In July, 1920, a pre-arranged walk-out for higher wages by the men and the traction company was staged; this was followed by a conference in the private office of the newspaper-publisher political boss, where the administration was told to give the utility company about what it wanted as "temporary relief" and then get together with it on such a new franchise as it would accept. This "deal," in addition to closed-door sessions of the council utility committee with the city manager and the utility interests, had not only dissatisfied the public with the way in which the new charter was being manipulated, but had caused it to suspect that the utility company had gained control of the administration. This boss-controlled council had four times during the last year passed "a temporary rate increase ordinance," running three months at a time as "*an emergency measure*," in violation of the express terms of the charter. Secret meetings were held in the office of the city manager by the majority members of council, usually just before council meetings. The program there agreed upon was put through council, with the manager sitting on a bench right behind two of his organization members, coaching them and keeping them in line. I was a minority member of the council. I am not an Organization Democrat but, rather, have been one of those who helped "split" the old Democratic organization, in order to make the "Chamber of Commerce—Big Business Combination" let go its strangle-hold on the people's government. They formerly had this under perfect control through the old Democratic organization. I am reciting facts in the foregoing and am not criticizing as an opposing partisan. The city manager is my attorney in an important civic case effecting our water rights which I, as a citizen, am defend-

ing at this time in the supreme court of Ohio, and I admire many of his qualities. If choice must be made by me, between the old Democratic gang control of our city and the present control, I would be obliged to choose the latter, with all its faults. I desire, however, a better choice than either, and this was the hope which the new charter held out to me, even though I had not much faith in the manager plan of government.

The spirit of the new charter having been entirely ignored as well as the letter, two movements were started to correct the abuses to which it had been subjected. The first was a recall petition to "oust" the entire charter. A petition to this purpose was signed by 100 per cent more electors than that required by the charter. Another petition was signed by 50 per cent more names than required by the charter, providing for the submission of certain amendments, the chief purpose of which was to prevent the elevation of an elected man to the managership or to any other appointive position. Another feature of this petition restored ward or district representation, eight ward or district councilmen to be elected as well as three at large. The mayor was to be given the veto power but was to have no vote in council, of which he was to be the presiding officer. Nominations in a partisan primary, with the election on a non-partisan ticket, as provided in the charter, were retained. These amendments were submitted, and the charter recall petition was not filed, on condition that, if the amendments were not carried, the charter recall would be asked for. At the ensuing election the manager was the chief campaigner against the amendments. He lost, however, and the amendments carried by a vote of over four to one.

Then followed the nominating primaries for the offices of mayor, three

councilmen at large and eight by wards. A citizens' organization secured the signatures of a majority of the candidates for council, both Republican and Democratic, to a statement pledging them to vote to remove the city manager, in the event of their election. This was done quietly. The Republican organization gave orders to all campaign speakers and candidates to ignore "The Laub issue" (Mr. W. J. Laub being the city manager). They were to say "Laub is not an issue. We will select a man as manager who is qualified to fill the position." Nearly every Republican candidate obeyed those orders. They did not commit themselves upon the question of the present manager's fitness.

At the first council meeting in January, a thunderbolt flashed when a resolution was introduced by a Republican member supported by five of his party and the two Democratic members, demanding that Manager Laub resign. The other three Republican members vigorously opposed, but to no avail. Charges by the manager that

party leaders had caused this "ouster" move were denied by those of his party councilmen who had voted to remove him. They declared that they wanted a free hand in selecting their own manager, and that this man would be one who would confine his activities to the duties of that office and not act as dictator of council as Manager Laub had been.

The manager was finally ousted on January 17. If a new start is made to conform to the spirit and purpose of the charter to the effect that "The Chief administrator (city manager) shall be chosen solely upon the basis of his executive and administrative ability," then the city-manager form of government will have a chance to demonstrate its worth. It never had a chance under the party control existing during the last two years. The infant was strangled in the cradle when the party organization assumed control of the job. It now looks as though another baby has been born. If it is carefully nourished, it may live and grow to lusty manhood.

DEADLOCK IN PUBLIC UTILITY REGULATION

V. THE RIGHT OF CITIES TO APPEAR FOR THE PEOPLE IN PUBLIC UTILITY ACTIONS

BY JOHN BAUER, PH.D.

Consultant on Public Utilities, New York

A promising solution of the deadlock, namely municipal action on behalf of consumers before a utility commission as before a court, was headed off by a high court decision last year. :: :: :: ::

IN the case of *Morrell vs. Brooklyn Borough Gas Co.*, the court of appeals of the state of New York recently (July 14, 1921) decided that the city of New York, as such, had no interest in an action involving the legality of gas

rates, and that it could not intervene as a party in an action against the rates. The decision has far reaching importance in that it may be applied to all public utility matters affecting all the cities of New York, and doubtless will

be seized upon as a precedent in other states where municipalities are actively striving to get reasonable rates and service for the people. The large issue is clearly and definitely raised whether a city, as such, may act collectively in behalf of its citizens in matters affecting the general welfare beyond its own property and contract rights or its specific duties as a corporate entity.

The particular action was brought by a private person against rates which were complained of as excessive and illegal. The city of New York asked permission in the supreme court of Kings County to intervene as a party plaintiff acting generally in behalf of consumers, not in regard to rates charged it as a corporation. Permission was granted, but was appealed from by the company; it was then affirmed by the next higher court; then, among other matters, the following questions were certified to the court of appeals for decision: 1. Had the city of New York any interest in this cause of action? 2. Is the city of New York a proper party so that the court at special term had power to grant its application to be joined as a party plaintiff herein?

These questions were decided in the negative and the order of the lower court was reversed. The city had been permitted to intervene particularly under section 452 of the Code of Civil Procedure, which provides that where a person not a party to the action has an interest in the subject, on his application the court must direct him to be brought in. The court of appeals however, held that the "interest" referred to is "a property interest or some duty or right devolving upon or belonging to the party to be brought in;" that the city of New York has no such "interest" in gas rates charged to consumers; that the state alone has power over such rates under the police

power. Judge Crane, speaking for the court, stated further:

We cannot see how the rights, property or duties of the city are in any way involved. A particular rule of law may affect a large number of citizens and yet give the city no such interest as permits it to intervene. Questions might arise which so affected the welfare or rights of all the inhabitants of the city as to justify the court in permitting the municipality being made a party to the proceeding, but this is not such a case.

The interest was thus narrowed down strictly to property and contractual rights of the city, as such, and to duties specifically set forth by law, excluding the broader responsibilities involving the citizens collectively, not permitting a liberal interpretation of the general powers granted to the city by statute and charter.

THE IMPORT OF THE DECISION

The purpose of this discussion is not to make a technical legal analysis and to criticize the court, but to point out the seriousness of the decision and to suggest legislative action to meet the situation. If the decision is as broad as has been claimed, it will prevent all the cities of the state of New York from participating directly in perhaps the most important municipal interests at the present time. Undoubtedly public utility rates, finance, service, and organization are uppermost at the moment among questions of municipal policy. These are matters which finally can be settled only on the basis of public opinion and require participation of the local government. A decision, therefore, which destroys the right of the cities to participate in the proceedings involving these questions goes contrary to natural political and economic development and should be clearly viewed from that standpoint.

As a matter of fact, in the develop-

ment of rate regulation and other public utility matters, the cities have become very important and essential factors. While fixing rates is primarily a legislative function of the state, it concerns, of course, the people of particular communities, and whatever the technical legal view, it affects intimately the local government, which is closer to the needs of the people, and is inevitably looked upon as the proper guardian and promoter of public rights. The local governments have practically been compelled to act for the public in all vital public utility matters; to lead in bringing about proper reduction in rates, to prevent undue increases, to obtain desirable service, etc. What is more natural than to expect locally elected officials to act directly for consumers when these constitute practically 100 per cent of the city's population? Why not look to the government close at hand for protection? Is not the municipal government the natural collective representative in matters that affect seriously the great majority of people?

Moreover, while state commissions have been created to fix and maintain reasonable rates and thus to represent the public, as a matter of fact, these bodies have not performed their function in a satisfactory manner.¹ The reason for this failure is due in large measure to the fact that (1) the commissions are state appointed and are, therefore, not directly responsible or immediately responsive to local needs, and (2) they are *quasi judicial* bodies and are thus required not only to represent the public interest but to safeguard private investors. With this judicial responsibility coupled

with other difficulties, the commissions have become to a great extent informal courts, presumably specialized, to hear public utility matters. In the hearings the companies are invariably represented by counsel to present directly the interest of the investors. Similarly, the practice has become established extensively for counsel of the cities to appear in behalf of the public solely to promote the interest of consumers without judicial responsibility. This practice is reasonable and necessary. If the commissions are, in fact, courts to weigh evidence judicially between conflicting parties, the side of the consumers ought to be represented actively just as that of the companies. Such representation can practically be obtained only if the cities as such appear in the common interest of consumers.

CHANGE THE LAW

It is this practical and almost inevitable situation which has brought about the activity of the cities in public utility proceedings and litigation. If this is now prevented, the reasonable and necessary course is to change the law. While the commissions serve an essential purpose, this does not exclude on fundamental grounds the appearance of the cities to defend and promote the interests of the citizens. The latter function is altogether different from the commissions'. The cities appear as litigants on behalf of the people, seek definite results without judicial responsibility to private investors, are concerned solely with the interest of the public, just as counsel for the companies represent exclusively the rights of the corporations, leaving judicial responsibility and final decisions to the commissions, subject to appeal to the courts.

The special point here is that the law

¹ See the writer's "Deadlock in Public Utility Regulation," NATIONAL MUNICIPAL REVIEW, September, October, November, 1921, and January, 1922.

should be amended if necessary to give the cities the right to represent consumers collectively in all public utility matters. To a layman, however—who has followed the development of public utility law with great professional interest—it is not clear why the court was perforce compelled to exclude the city from such representation. The identity of interest between a municipality and its inhabitants has been recognized repeatedly; thus in the case of *International Railway Co. vs. Rann* (224 N. Y. 83, 89), Judge Pound stated that “as a legal conception the [municipal] corporation is an entity distinct from its inhabitants, but it remains a local community; a body of persons; the sum total of its inhabitants and the proper custodian and guardian of their collective rights.” These words express most clearly the situation and apply completely to the large issue in question. Further under the charter of the city of New York, the city was given express authority over the grant of franchises, particularly to secure efficiency of public service at reasonable rates; and the corporation counsel was given the power to institute actions in law or equity to maintain the rights of the city and “of the people thereof.” Why not include the right to obtain reasonable rates and service in these general powers? Likewise in the so-called home rule bill, there is the broad

grant of power to the cities of the state to promote the general welfare of their inhabitants; why exclude questions of public utility rates and service affecting the great majority of the people?

There is also the further technical argument that the very grant by the municipality permitting the use of the streets by a corporation carried with it a fundamental restriction upon rates and other acts of a public service corporation. The city is the trustee of the streets, and the grant could be given only for a public purpose. This itself recognizes the public character of the service, establishing the right to reasonable rates and proper service, making unlawful private profits above a fair return, even if no special restrictions upon rates are included in the franchise. Would it not be reasonable, therefore, to infer an inherent duty of the municipality to see that the public interest in the grant is properly carried out, so that the public privilege is not, in fact, made the vehicle of excessive profits to private investors, or is otherwise used in disregard of the public service? Why not view this as a proper duty of the municipal authority? Why limit the recognized legal interest to mere financial, contractual or proprietary claims of the city itself, viewed merely as a separate corporate entity? Why exclude the broader interest of the people who constitute the city?

ADVANCED POLICE METHODS IN BERKELEY

BY HAROLD G. SCHUTT

National Institute of Public Administration

High-grade policemen, one-third of them college graduates, plus an appropriate utilization of their brains, have made Berkeley's police force famous and their chief the president of the Association of Chiefs of Police. :: :: :: :: :: :: :: ::

BERKELEY, CALIFORNIA, has in recent years attracted considerable attention because of the excellence of its police department. Attention for such a reason is rather unusual. There are several features about the Berkeley department that are different from those found in the ordinary department. For example, all the patrolmen do most of their patrolling in automobiles, and one of those gentlemen possesses that title so much affected by college professors—doctor of philosophy. Since police work is so largely a matter of personnel, it may be well to discuss that subject first.

Speaking of personnel, it has been the writer's observation that most people think of the Berkeley Police Department and Mr. August Vollmer as synonymous. Mr. Vollmer was elected marshal of the city in 1905 when the department consisted of a "desk, a broken chair and three assistants," and has been its chief since that time although the type of government has changed. To him belongs the credit for the development of scientific police methods as they are practiced in Berkeley. Berkeley now operates under a commission government charter, but the greatest virtue of the commissioner of public health and safety, as far as police is concerned, is his non-interference with the policies of the chief.

The first point in personnel is selection. The chief exercises full control of hiring and discharging, there being no civil service provisions applying to the department. He chooses his men largely by means of mental examinations, using tests like those given in the army to determine a candidate's intelligence. Considerable emphasis is placed upon the applicant's reason for joining the force, as Mr. Vollmer wants men who are looking forward to a career in police service. One result has been that instead of getting taxi drivers and mechanics he has secured thirteen university-educated men for his police force of thirty-three men. The chief believes that for every time a policeman is called upon to use his brawn his brain is needed a thousand times. Consequently high intelligence has been deemed more important than mere physical health.

UTILIZING GOOD BRAINS

Having secured university men for cops does not, however, make a police department. They probably do not know any more, if as much, about police work as a taxicab driver, but they do have greater ability to learn. Herein enters the Berkeley police training school. Mr. Fosdick, in "American Police Systems," says that it is the most ambitious that has been attempted

in America.¹ The course extends over a period of three years, the first year courses being—physics; chemistry, physiology and anatomy; criminology, anthropology and heredity; and toxicology. The second year surely requires a college education—criminal psychology; psychiatry; criminology, theoretical and applied; police organization and administration; police methods and procedure. The third year completes the course with microbiology and parasitology; police microanalysis; public health, first aid to the injured; elementary and criminal law. A large part of the instruction is given by Mr. Vollmer and Dr. Albert Schneider, who has the title of dean of the school. Dr. J. D. Ball, a psychiatrist of Oakland, Mr. E. O. Heinrich, an examiner of questioned documents of San Francisco, the city attorney and others give considerable instruction. Except for the first two mentioned this work has been gratuitous. Dr. Schneider, who is connected with the University of California, receives a small compensation for his work.²

When a new man enters the department he is given some individual training to enable him to do fairly good patrolling and then he takes the training school work as it is given. The courses occupy from one to five or more hours per week. Every Friday at four o'clock the whole department, with the exception of a skeleton force which is kept on duty, meets for one hour. The men call this the "crab club." At this weekly meeting the chief explains any of his orders, the reasons for which are not clear to the men, the men make suggestions that have occurred to them

and voice their complaints if they have any. Chief Vollmer feels that this discussion does much to develop team play in the department. If there is nothing else to occupy the hour a lecture is given. Not long ago a professional safe-blower explained the technique of his trade and other crooks have given first-hand information as to the methods used by criminals.

Mention should also be made of the courses in criminology that are given during the summer session of the University of California, which is located at Berkeley. There has been very close co-operation between the police and the university. This past summer Mr. Vollmer, Mr. Heinrich and Dr. Ball have given four courses in criminology. When possible, recruits to the police departments take these courses.

AUTOMOBILE PATROLS

As has been said, the newcomer, while taking the training school work, has also been patrolling and instead of walking about getting flat feet he has been patrolling de luxe. Each patrolman furnishes his own automobile and is allowed thirty dollars a month in addition to his salary. The department furnishes gasoline and oil not only for his official duties but also for any pleasure driving that he may do. The average distance traveled by each car is over a thousand miles per month, which for Berkeley's twenty patrolmen amounts to about two hundred and fifty thousand miles in a year. Berkeley is a city of sixty thousand people covering a compact area of nine square miles. It is largely residential, the business center being small, due to the proximity of Oakland and San Francisco. There is a growing industrial section along the bay shore. For patrolling this type of city, autos seem to have been very successful.

¹ Fosdick, "American Police Systems," p. 299.

² The article in the *Journal of the American Institute of Criminal Law and Criminology* for March 1917, written by Mr. Vollmer and Dr. Schneider, further describes the training school, and is practically up to date.

One of the things that Chief Vollmer has tried to obtain has been constant touch between headquarters and the man on duty on the street. This is obtained by means of red flashing lights located at the principal corners about the city and where each one would be most readily seen by the patrolman driving his car. By means of switches at the sergeant's desk he can flash these lights and call a patrolman to a box, and in this way give any orders that are necessary. Since these lights are not so clearly visible in the daytime twenty-five horns have been installed. These are used during the day for emergency purposes. If the need of the officer is not urgent the lights are used, as persons living near one of the horns have found the noise objectionable. They sound like low-pitched automobile horns. These devices have made it possible to reach a policeman on his beat in two or three minutes at the most and send him where he may be needed. But this has not satisfied the desire for progress. Experiments have been made in equipping the police cars with wireless telephones which could be in constant contact with the police station. Certain technical difficulties have arisen, but they are on a fair way to being overcome.

The patrolman in Berkeley has considerable discretion in covering his district. He is held responsible for conditions there and he can use his own judgment in many ways as to how he shall police it. The sergeant remains at the station most of the time, where he can direct his men when necessary when they call in hourly, or by means of the signal system. He occasionally drives out on a tour of inspection. The ambulance and emergency wagon are handled by two men in the record room who have time for answering the calls that come in.

RECORDS THAT HELP

Another feature of which Berkeley can be justly proud is the record system. The complaints as they come in are entered on cards and filed by serial number. The reports of the officers assigned to the case are attached to the original card and filed with it. If a case has not been closed a metal tag is attached to the card and the case is watched until the officer in charge has completed the investigation and satisfactory reports have been made. One cause for the success of the Berkeley department and the high esteem in which it is held in the community is the thoroughness with which complaints are treated. These cards are indexed according to person making complaint, crime complained of and person mentioned in complaint. There are now some sixty-six thousand of these records on file—a history of the department since 1905.

A modus operandi sheet is filled out for each complaint involving theft, fraud, property taken by violence, or where an entry has been made to commit burglary. This may not mean much to a layman, but many criminals have a particular method of performing and a record of the method used in crimes committed helps to apprehend the offender.

The finger-print file contains sixty thousand prints properly classified. Berkeley maintains exchanges with about twenty-five cities and institutions, so that the identification files are constantly growing. There are twenty-seven thousand Bertillon measurement records and twenty thousand English circulars. The picture gallery contains almost as many pictures.

The criminal index file is very complete and is used to index the different identification files. It contains cards giving name (filed also under each

alias), criminal record, description and reference to the finger print, Bertillon or other files. When cards are made for this file a duplicate is made and is filed under the crime committed.

There is also a stolen property file in which different colored cards are used to indicate different classes or articles. They are filed according to distinguishing number or initial when possible.

From the records certain interesting pin maps have been made. One shows the distribution about the city of the different classes of crime; others show the same thing for each of the three details. If the chief knows what crimes are committed, where and when, it is easier to prevent crime or to apprehend the criminal. Another map shows casualties and their nature. Still another, which will be discussed later, is that showing juvenile delinquencies.

The superintendent of records is a handwriting expert and is so recognized throughout the United States. One of the clerks is a finger-print expert; in fact specialization exists throughout the department. Mr. Larson, the Ph.D. who has been mentioned, has made two contributions to finger-print research regarding racial characteristics of finger prints and transmission from generation to generation of finger-print types. He has also prepared a paper on the use of the sphygmomanometer, or blood pressure apparatus in police work. This device registers the regularity and intensity of the heart beats and of breathing. It has been found that when questions are put to a suspected person the regularity of the heart and breathing, over which the person has no conscious control, indicates whether the truth is being told or not. Incidentally this apparatus was used recently in a case of theft at the university. A girl under suspicion was cleared and another who was not suspected was easily detected. Had

the guilty person not been found it is difficult to say what stain might have attached to the reputation of the girl who was generally suspected, and her college career might have been made most unpleasant.

The use of the camera in police work has also been developed in Berkeley. This is especially true in connection with the microscope. While the writer was in Berkeley he saw some photographs of human hairs that were so much enlarged and were so plain that within certain limits the age of the hair and whether it was from a male or female could be told.

THE PREVENTIVE WORK

We now come to the other and more important police function — crime prevention. Some crime has been prevented because professional criminals know that the police are efficient and so do not operate there. But something more positive than that has been done by educating the public to believe in the police so that when they see something suspicious they report it. This education has been secured largely by developing more contacts between police and public. Chief Vollmer has spoken at meetings of almost every organization in Berkeley — Church, social and business clubs, university classes, American Legion, fraternities, Y. M. C. A. It has now become a habit for a citizen, or more likely a citizeness, to call in the police for the most minor matters. Since the department, like an automobile agency, says "service is our motto," it is glad to get these calls and they make for a better understanding between all concerned.

Chief Vollmer for the same reason has a high regard for junior police. He told the writer that "some of the boys, former members of our old junior

police organization and now prominent men in the community, are among our greatest boosters and contribute to the welfare of the department in various ways." At present the boy scout organization is very strong in Berkeley and most of the junior police work is carried on through it. Mr. Vollmer endeavors to meet with the scouts once a month and talk to them. To be successful, he believes that junior police or boy scouts must have able leadership.

A map showing juvenile delinquency has already been mentioned. By means of beads and pins of different colors the location of cases of delinquency, low intelligence, truancy, and miscellaneous juvenile offenses is shown for both boys and girls. The data to make this map is secured from school reports. By watching these minors it is possible to prevent them from developing into criminals as they grow older. As in the case with junior police it is the policy of the police to get in touch with the citizens of the future while they are still young, to help correct any deficiencies that may exist and try to make good Americans of them.

As may be surmised, when minors come into the hands of the police, effort is made to find cause that led the boy or girl astray and to remedy the condition, making punishment for the offense committed a secondary matter. Not long ago four boys, ranging in age from eleven to sixteen years, were in trouble for stealing. One was somewhat feeble-minded, but the others were mentally strong. They had become sex offenders and unless something was done the boys would very likely turn out badly. By co-operation with the boys' parents the conditions which had led them into bad practices were changed and the future is promising both for the boys and for society.

Such is the nature of the police work in Berkeley. That it has been suc-

cessful is shown by the fact that the number of crimes committed has grown but little in recent years in spite of the growth of population and a crime wave that is supposed to be sweeping over the country. In 1911 there were ninety-eight cases of first degree burglary, in 1915 there were eighty-six, and in 1920 there were one hundred and twenty-three. For petit larceny for the same years the figures were three hundred and ten, four hundred and fifty-one, and four hundred and sixty-nine. Another proof that Berkeley methods have something to do with crime prevention is that there was a sharp upward trend in the number of crimes committed after several men left the department to join the military service when the United States entered the war. This condition continued until the new men were trained.

COSTS

The Berkeley patrolmen receive one hundred and forty dollars per month in addition to the thirty dollars that they receive for their car upkeep. Clerks receive the same salary as patrolmen except that they do not have cars. Sergeants receive one hundred and sixty dollars per month and twenty dollars for car upkeep. Detectives receive one hundred and seventy dollars as salary and twenty-five dollars for car upkeep. The superintendent of records receives two hundred and twenty dollars, and the chief of police receives three hundred dollars. The total budget for the present year is eighty-five thousand dollars, or about a dollar and forty-two cents for each resident of the city.

The writer, speaking with several persons who were interested in police work in large cities, expressed doubt whether methods such as are used in Berkeley would be workable in the

large cities. When one stops to consider that the greater part of most large cities is residential and that Berkeley might be considered a precinct in the great metropolitan area surrounding San Francisco, one wonders if the large city cannot learn from the Pacific Coast city. However, some one has said that the medium-sized city is the present American municipal problem and here conditions are not so different from those existing in Berkeley. That one city of a hundred thousand people sees promise of help is shown by the fact that this last

summer the chief of police of Tacoma, Washington, and four other officers from that department spent several weeks in Berkeley taking the courses in criminology at the university and studying the methods of the local police department.

That Chief Vollmer's efforts have not been entirely unappreciated may be indicated when it is said that his salary this year received an unsolicited increase and that at the last convention held in St. Louis in June he was elected president of the International Association of Chiefs of Police.

PETERS OF BOSTON

A REFORM MAYOR WHO DID NOT FAIL

BY W. B. MUNRO

ROSCOE CONKLING once remarked that when Dr. Johnson spoke of "patriotism" as the last refuge of the scoundrel he ignored the vast possibilities which are latent in the word "reform." Conkling was not alone in his dislike of the term. Theodore Roosevelt defined it as something with a "lunatic fringe" attached, and Brand Whitlock later paid left-handed homage to reformers by defining them as a group of men and women who feel a solemn responsibility "for the shortcomings of others."

At any rate there is a widespread belief that a municipal "reform" administration is bound to be a disappointment, even to its own supporters, because it promises more than it can perform, and goes out of office after a single term leaving a trail of popular resentment in its wake. Too often, it is true, this has been the record of the strictly honest man in municipal office. But it is not always so. The experience of the past decade, in more than one

of our great communities, has demonstrated the fact that a municipal administration can be efficient and honest without being impractical or becoming unpopular. It is well that such achievements be made known. They give courage to the faint in the long battle for civic decency.

Andrew J. Peters was inaugurated mayor of Boston in February, 1918. His record as a member of congress and as assistant secretary of the treasury warranted the expectation that he would prove to be one of the best mayors in the city's history, and this expectation, during the past four years, he has entirely fulfilled. The Boston city charter renders the mayor ineligible for immediate re-election; had it not been for this obstacle Mr. Peters would probably have been pressed into service for another four years. Setting out with no lavish array of promises, and attempting no wholesale reconstruction of the city's public affairs, he has none the less attained the chief

objective to which any sane municipal administration should address itself—namely to leave every department of the city's service in better shape at the end than it was at the beginning. This objective has been attained, moreover, in spite of the fact that the past four years, by reason of the war and its aftermath, have been the most difficult years of the past half century.

Mayor Peters has not been a reformer of the orthodox type. He did not begin his term as mayor by promising to reduce taxes and at the same time to expand service; he was sufficiently versed in the actualities of administration to know that both things cannot be done concurrently. He believed that when people demand efficient government they expect to pay a reasonable price for it. Taxation is merely the cost of the public service apportioned among the people. It is not difficult to put through a scheme of greatly-extended service to the community if the lid of the tax rate is taken off. Nor is it hard to make a material reduction in the city's annual tax burden by compelling the inhabitants to do without services which they have a right to demand. The real problem is to maintain things at maximum efficiency without unreasonably augmenting their cost.

To maintain standards in municipal administration during the past four years without a higher tax rate has been impossible in Boston as in other large cities. Everywhere, owing to the high costs of materials and labor, the burden of local taxation has grown at a rapid rate. The Boston tax rate, which was \$17.70 per thousand in 1917, had risen to \$24.70 in 1921, an increase of nearly 50 per cent in four years. This, however, is almost exactly the average rate of increase for all the cities of Massachusetts.

AN ACHIEVEMENT IN ECONOMY

But the foregoing figures do not tell the whole story. A substantial fraction of Boston's tax levy goes to defray expenditures which are not under the mayor's control. The schools, for example, which are in charge of an independent elective board, required in 1918 a levy of only \$4.48 per thousand of assessed valuation; in 1921 they took \$8.03 per thousand. The police department, which in Boston is under state control, likewise increased its expenditures during these years. And Boston's share of the state tax mounted considerably. In the departments directly under the mayor's control there has been since Mr. Peters assumed office, an actual reduction in the share of the tax levy required for the conduct of their affairs. In 1918 these departments required a levy of \$12.37 per thousand; in 1921 their share was \$11.53 only.¹ Can any other American mayor show, during these years, an actual reduction in the tax levy required by the various departments under his control?

CUTTING THE CITY'S DEBT

Boston has actually reduced its net debt during the Peters administration. It may well be questioned whether any other large city can show a similar achievement during the past four years. In February, 1918, when Mayor Peters took the reins, the net funded debt of the city was \$52,198,425; at the close of 1921 it was less than \$47,000,000. A reduction of more than five millions has been accomplished in less than four years! The subjoined table indicates

¹ The exact figures are: 1918, \$12.37; 1919, \$12.13; 1920, \$11.90; 1921, \$11.53. The portion of the tax rate which went for schools, on the other hand, was: 1918, \$4.48; 1919, \$5.02; 1920, \$7.14; 1921, \$8.03.

the extent of the progress made, not only in liquidating the direct obligations of the city, but the other indebtedness for which the city has practically the entire liability.¹

STREET CONSTRUCTION

The foregoing economies, effected and maintained through a difficult period, did not preclude material progress in city improvements. In the matter of street construction, for example, the Peters administration paved or rebuilt 388 miles of streets. Despite the general interruption of public work during the war months of 1918, this is the best street construction record in the city's history. The cities of the United States, or of any other country for that matter, which saw more street work done during the three years 1918-1921 than in any previous triennium, are certainly few and far between. Boston's streets are even yet a long way from what they ought to be. They have suffered from the parsimony and neglect of years gone by. But they are in better shape to-day than they have been at any time since the turn of the century.

PUBLIC BUILDINGS

Between February 1, 1918, and November 30, 1921, Boston appropriated for public buildings (apart from schools) \$1,582,000. The constantly increasing demands for school accom-

modation have been met by an expenditure of \$5,763,123 on school buildings, in which the largest items are \$1,200,000 for a new high school in Dorchester, and \$950,000 for a new public Latin School in the Back Bay. For playgrounds, during this period, \$928,135 has been spent. The most important provision under this head is for a new gymnasium building, with baths and a swimming pool, in South Boston, to cost around \$400,000, of which \$200,000 is included in the above figure, the remainder awaiting action, at this writing, in the city council, with no question as to its favorable decision. This gymnasium is to be of the most modern type, and when completed will be one of the finest buildings of its sort in the country.

FIRE PROTECTION

The problem of providing the city with better protection against fire has been vigorously and successfully met in Boston during the past four years. When Mr. Peters came into office, the discipline of the fire department left much to be desired; the apparatus had not been kept up to date and much of it was inferior in quality. All this has been changed. The mayor set out to improve the discipline and modernize the apparatus. Long before his term came to a close he had succeeded in doing both. A training school for officers in the fire department is one of the fruits of the new order.

The high pressure fire protection service which was under construction in

¹DEBT OF THE CITY OF BOSTON AND COUNTY OF SUFFOLK
NET FUNDED DEBT NOVEMBER 30, 1921, COMPARED WITH JANUARY 31, 1918

| | City Debt | County Debt | Water Debt | Rapid Transit Debt | Total |
|-------------------------|-----------------|----------------|--------------|-----------------------|-----------------|
| January 31, 1918. | \$52,198,425.45 | \$1,623,223.77 | \$368,000.00 | \$30,380,527.82 | \$84,570,177.04 |
| November 30, 1921. | 46,830,923.41 | 1,449,961.90 | 275,678.27 | 31,200,164.16 | 79,756,727.74 |
| Decrease. | \$5,367,502.04 | \$173,261.87 | \$92,321.73 | \$819,636.34* | \$4,813,449.30 |

* Increase.

1918, the victim of exasperating delays, has been carried to completion. The mains have been finished; two pumping stations have been constructed, and the system is now in operation. At no previous time in its hundred years of history as a city has Boston been so well secured against a conflagration.

ADING THE SICK AND THE POOR

Not all the achievements of the Peters administration were embodied in debt reductions, streets, buildings and fire apparatus. The city's eleemosynary institutions received a considerable share of the mayor's personal solicitude. In 1918 the Long Island Hospital and Almshouse were found to be poorly protected against destruction by fire. This danger has now been reduced to a minimum by the installation of equipment which cost the city more than \$100,000. The management of these institutions, moreover, has been greatly improved. They are believed to be as well equipped to-day, and as well conducted, as any similar institutions in the country.

When Mayor Peters came into office he found that various other city institutions for the care of delinquents, dependents and the sick were each under the supervision of unpaid trustees. With the concurrence of the city council the administration of them all was consolidated under the control of a single paid commissioner. The saving in money has proved to be considerable, but greater still has been the general improvement in service and efficiency.

THE MORALE OF THE CITY'S WORKING FORCE

But the balance sheet of a city administration cannot be entirely cast in figures. No matter how strong the

evidence of historical progress may be, no mayor can rightly call his administration a success unless he manages to impress his qualities of leadership upon that army of subordinates, from highest to lowest, without whose full co-operation the daily routine of local government cannot be well performed. Mayor Peters soon won the confidence and respect of the city's working force. He dealt with them frankly and fairly. Within the limits of the city's financial resources he was generous in raising the scale of salaries and wages. On the other hand there has been no padding of payrolls and no making of sundry jobs for political favorites. The employes of the city have been given a feeling of security; their work has been judged without partisan bias. No mayor could ask for more genuine co-operation than Mr. Peters has had from the whole corps of appointive municipal officials and employes during his four-year term. Without this loyalty he could not have secured results.

ALWAYS ON THE JOB

During his term of office Mayor Peters spent no time talking politics, or building political fences, or oiling up a political machine. He devoted more hours to his office than the average business man spends at his desk, and his office was no rendezvous for politicians of any stripe. For most of what Andrew J. Peters has achieved during these four years at the Boston City Hall he can thank a level head and a capacity for hard work. The many things which seemed to "happen right" during his administration were the outcome of thought, planning, patience and industry. It is not often that a mayor goes out of office with a stronger hold on the confidence of the electorate than when he came in. Mayor Peters has demonstrated that it can be done.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Pittsburgh Graded Tax Plan.—The Allied Boards of Trade in Pittsburgh, Pennsylvania, have issued a pamphlet entitled "The Pittsburgh Plan" praising the results of the Graded Tax Law of 1913. By this law which covers Pittsburgh and Scranton, the tax on buildings was marked down 10 per cent in 1914, another 10 per cent in 1916, again in 1919, 1922 and 1925, thus bringing the tax rate on buildings to half that on land.

New Sources of Municipal Revenue (Compiled by New Jersey State League of Municipalities, Trenton).—This is neat mimeograph volume of 40 pages describing 28 things that can be done to help make ends meet—e.g., central purchase, clean the water mains, use special assessments, high interest, zoning, full value assessments, etc., etc.

International Garden Cities and Town Planning Association holds an International Conference at Olympia, London, March 14, 15, 16, at the Daily Mail Ideal Home Exhibition. The program includes an afternoon on "Steps required to get garden cities started throughout the world," another on "Reduction of Building Costs," and a visit to the new garden city of Welwyn.

Progress of Zoning.—38 cities have now been zoned, and zoning is under way in 42 more according to a list recently published in "Better Housing."

Electric Voting in Texas House of Representatives.—The lower house of the legislature is installing an electric roll call device which is expected to shorten the roll call operation from 15 minutes to 11 seconds and save 10 working days per session. Iowa and Wisconsin legislatures have such devices, and the New York legislature is investigating.

New Forms of County Government having been made possible for them by the passage of a constitutional amendment, Nassau and Westchester Counties, adjoining New York City, have promptly created good official commissions to de-

visé legislation which they will submit to the legislature of 1923 and then to local referendum.

Referendum Petitions against a Gerrymander are being prepared by Democrats in Missouri who claim that the Congressional Re-districting Act is unfair to them.

A County Manager for Muscogee County, Georgia, was recommended by a grand jury in January. A majority of the voters of the county endorsed the principle recently in voting for the Columbus city-manager charter.

Cleveland Suburbs Seek Annexation.—Petitions for annexation votes are started or contemplated in 12 suburbs of Cleveland including Lakewood, East Cleveland, and Cleveland Heights, whose tax rates would be lowered thereby. Leaders of the effort say "Adoption by Cleveland of the city-manager form of government has caused a tidal wave of annexation sentiment in the suburbs and those opposed because of bad politics in Cleveland have lost their argument."

West Hartford, Connecticut.—Proportional representation, which was tried experimentally by the town last year, has been formally adopted for the future elections of town councillors. Only one citizen opposed the system at the hearing on the P. R. ordinance, and the vote of the council was unanimously in favor. For the elections of 1922 and 1923, the fifteen councillors will be chosen from four election districts. At the election of the latter year, a referendum is to be taken on the question of electing all councillors at large. The changing sentiment of the past year indicates that election by districts will be abolished.

Sacramento's County-Manager Effort.—The district attorney of Sacramento County attempted, with a touch of comedy, to block the proposals for the election of a board of freeholders to frame a county manager charter. He declared the first petition for the election to be illegal and thereby delayed the matter sufficiently

to prevent the writing of a charter in time for submission to the 1922 legislature. The Superior Court reversed the district attorney and declared the petition to be legal, but the district attorney forthwith made appeal to the higher court, thus continuing the suspension of the call for the election. Meanwhile, a second petition, free from the objection which he had alleged, against the first, was gotten up and presented, whereupon the district attorney declared the second petition to be illegal on the ground that the first petition had become legal, and that no second effort could be made until the completion of the litigation on the first!

After a year of delays, the election of 15 freeholders to draft a charter took place on February 18.



Alameda's County-Manager Proposal Defeated.—The long agitation for a combined city and county government in Alameda County, which includes the cities of Oakland and Berkeley, California, culminated on November 15 when the Alameda City-County Manager Charter was submitted to referendum under the provisions of a special amendment to the constitution.

All the small cities in the county voted "No" overwhelmingly, while the city of Oakland voted "Yes." The smaller cities were unwilling to merge their individuality into the single municipality. The total vote on the proposition was 35 per cent of the registration.

The next step required was for the board of freeholders, which drafted the proposed combination charter, to reconvene within fifteen days of the election and adjust the provisions as to boundaries, to comprise merely the area of the city of Oakland and two towns, Emeryville and

Piedmont. Another election was then held on February 7 at which Oakland, Emeryville and Piedmont voted on the acceptance of the charter providing for a united city and county of Oakland. This meant the division of Alameda County, to which strenuous objection was made, and the charter was defeated.



New State Park Efforts.—Two of the most important state park enterprises are the Save the Redwoods League and the Natural Parks Association of Washington. The redwoods in question are the oldest and most majestic of living things. Unfortunately, these marvelous trees, found nowhere in the world except on the northern California coast, not only have the quality of exciting wonder, but they can be made alas! into excellent barrel staves, shingles, grape stakes and the like. The demand for these is insatiable, but so far, the demand for natural miracles is limited.

The League is trying to get an emergency state appropriation to purchase groves along the state highway in Humboldt County, and to raise by private subscription an equal amount. They have had a survey made and are bringing pressure to bear on the Federal Government to establish a National Redwood Park. They have taken part in the spending of over \$100,000 in ransoming the redwood groves along the state highway. They have enlisted the co-operation of the lumbermen, and the lumbermen, who own most of the redwood lands, have met them rather more than half way, for they have agreed to defer cutting them until the League has had a reasonable time to arrange for purchase.

HAROLD A. CAPARN.

II. CITY-MANAGER NOTES

Kenosha, Wisconsin, (population 33,500,) under leadership of women voters, adopted the city-manager plan January 24 by a vote of 3,770 to 2,898.

Other additions reported are Chico, California (population 8,876) taking effect April, 1923; Bartow, Florida (population 4,040) taking effect March 7; Excelsior Springs, Missouri (population 4,167); Findlay, Ohio (population 18,000); Daytona, Florida (population 4,475).



Akron Fight Clears at Election.—As related elsewhere in this issue, the selection of first mayor

Mr. Laub, as city manager two years ago, developed a tense partisan political situation that continued until the recent election with Laub as a storm center. The new council has removed Laub by an 8 to 3 vote and has appointed Homer C. Campbell, a local real estate man, at a new salary rate of \$7,500 instead of \$10,000, beginning February 1.



Mix-up in Wheeling Clears Itself by a Recall.—The Wheeling, West Virginia, charter is one of the three that require the manager to be a local man. At the city election of May, 1921 the

city clerk, H. C. Crago, is charged with having taken a ballot box home at night, stuffed it, and by this and other acts procured the election of his friends, the old council, who then appointed him manager. He and the city solicitor, the fire chief and a majority of the council were indicted. The fire chief has been convicted and the other cases are pending. Election count laxity is not unknown in Wheeling politics, but this stirred the town, and in a hot recall campaign Crago's friends were defeated and Crago was ousted in January.

*

New Managers.—S. O. Hale, Xenia, Ohio, Homer C. Campbell, Akron, Ohio, George

Garrett, ex-manager of La Grande, Grand Junction, Colorado, Charles H. Dowler, Wheeling, West Virginia, J. R. Brumby, Jr., Ocala, Florida.

*

Recall Threatened at Decatur, Alabama.—According to the Atlanta *Georgian* the city-manager of Decatur, P. P. Pilcher, discharged the driver of a fire truck, which was followed by a strike of the fire department and a dispute that culminated in Pilcher's resignation to take effect March 31 which, however, was not prompt enough to satisfy some citizens who, on January 30, called a mass meeting and threatened a recall of the commissioners to force immediate acceptance of the resignation.

III. GOVERNMENTAL RESEARCH NOTES

The Kansas City Public Service Institute has issued a very full report of its activities for the year, together with a financial statement of its operation.

*

The Detroit Bureau of Governmental Research has laid out in some detail the principal items of its program for 1922. Other bureaus engaged on the same problems will find the list useful in suggesting possible co-operation.

*

The Municipal Survey Commission of the City of New Orleans, in viewing the work done in that city by the New York Bureau of Municipal Research, finds that "the suggestions and recommendations made, and the form in which they are all cast, will point the way to great economies, increased efficiency, and generally better understanding of the requirements and conditions of municipal government."

*

At Norwich University, Northfield, Vermont, there has been established a bureau of municipal affairs under the direction of K. R. B. Flint, professor of political science.

*

The Reorganized Recorder's Court of Detroit has been given a thorough appraisal for its first year of operation by the Detroit Bureau of Governmental Research in an issue of its weekly pamphlet, *Public Business*.

*

Flint, Michigan, has officially engaged the services of the Institute for Public Service of New York City to undertake a thoroughgoing study of its government. Dr. William H. Allen

and Gaylord C. Cummin will be responsible for the survey, the Detroit Bureau co-operating.

*

The Ohio Conference of Governmental Research was recently held at Columbus, bringing together representatives of nine organizations for the purpose of co-operative research and action. R. E. Miles, director of the Ohio Institute for Public Efficiency, was chosen chairman and secretary. The conference discussed the reorganization of the county governments of the state, and the best means of developing a budget system for the 4,800 taxing districts.

*

The Kansas City Public Service Institute has issued a 40-page mimeographed booklet, digesting and charting the charters and forms of government in cities of over 250,000 population.

*

Harry H. Freeman, formerly of the New York Bureau of Municipal Research, and more recently city manager of Kalamazoo, has accepted the position of foreign representative for the Upjohn Company, manufacturing chemists, and will take up residence in London early in February.

*

The Detroit Bureau of Governmental Research has added to its staff Percival Dodge, formerly a personnel officer for the Solvay Process Company; W. D. S. Negovetich, formerly with the bureau; and C. L. Carter, formerly engaged in engineering work for the city of Detroit.

ROBERT T. CRANE.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

LOCAL GOVERNMENT IN THE UNITED STATES.

By Herman G. James. New York: D. Appleton & Co., 1921. Pp. 482.

A great deal has been published about various phases of local government in the United States, especially with reference to municipal government in urban communities. But there has been no comprehensive account of local government in this country as a whole, other than brief summaries in textbooks in American government. In this volume, Professor James has undertaken such a general account, dealing with counties, cities and other local divisions. After a summary of local government in England and France, and a chapter on the historical development of local institutions in the United States, there are two chapters on county government, one on county subdivisions and two on city government, followed by short chapters on recent tendencies and conclusions.

Under this plan, emphasis is laid on county government; and in this respect the book corresponds to conditions in a large part of the country. It will be a useful textbook in courses for students not especially concerned with the problems of cities, as well as giving a foundation for the special study of urban government. From this viewpoint, however, some aspects of local government receive less attention than they merit. The discussion of village government is inadequate; there are only brief references to the great number of special districts and local authorities; and state supervision of local government is not considered in a connected and systematic way.

The work is based for the most part on previous books and other special studies of particular parts of the field. Considerable use has been made of data in the census reports on local finances; but there has been no intensive investigations of original local documents and reports. In the main, the general conditions are satisfactorily described, though there are some misleading and a few erroneous statements, especially in the account of local government in England. In the discussion of county revenues, the importance of fees is underestimated, by failing to recognize that the census data on fees in many cases is not the total receipts from that source, but the excess of fees over expenses—a result of the unsatisfactory condition of county financial

records. The author has a readable style, with occasional use of colloquial phrases, such as "later on" and "pretty much."

More exception may be taken to his main conclusions. As to the county he considers that it "is neither a national unit for the administration of state affairs, nor . . . a national division for the conduct of local affairs"; but as the abolition of the county is too radical a proposal, he reaches the apparently paradoxical result that "progress must lie in the direction of conferring larger powers on the county." As to smaller areas than the county, he sees no justification for them except for urban communities, where he favors separate organization even for villages of two or three hundred population, while cities of over 10,000 or 15,000 population should be wholly distinct from the jurisdiction of the county.

Most American counties are too small; and local administration would be improved by combining smaller counties into larger areas. But to suggest, even as an unattainable ideal, the complete abolition of the county, without proposing something in its place, is not justified either by logic or practical considerations. The immediate program to extend the scope of county government and simplify its organization can be approved; but this involves more serious obstacles in state constitutions and otherwise than are clearly recognized, which variations in local conditions will make any uniform system impracticable.

To abolish all local government areas smaller than counties, except villages and cities, is also not only impracticable but also unjustified even as a theoretical ideal. The existence of such smaller areas throughout the country and in other countries indicates the general need for them, even with small counties. The field for choice here seems to be between a variety of overlapping areas and a single area which will combine the functions of neighborhood government. Without attempting to compel the adoption of the New England town system, there might well be legislation to permit and encourage the voluntary consolidation of overlapping neighborhood local areas, as is urged for city and county government for larger communities. If this were done the separate incorporation of petty villages of a few hundred inhabitants would be unnecessary.

JOHN A. FAIRLIE.

MODERN DEMOCRACIES. By James Bryce (Viscount Bryce). New York: The Macmillan Co., 1921. 2 vols.

A notable book by a distinguished author, well worthy to be ranked with his *American Commonwealth*, the fruit of years of observation and thought. In its cool examination of democracy at work it follows the method of the earlier book, a method quite familiar to-day, but applied a generation ago to American institutions breathed the realistic breath of life into what had been merely formal description or fulsome praise.

Lord Bryce has divided his work into three parts. The first is a general treatment of doctrines on which popular government rests and the conditions under which it operates. Specimen chapter subjects are equality, democracy and religion, party, public opinion, the press in a democracy. Part II is a description of six actual democracies with regard to structure and mechanism. The governments selected are France, Switzerland, Canada, United States, Australia, and New Zealand. Nowhere will the reader gather in so brief a space so satisfactory a description of the legal forms and the practical functioning of the governments of these countries.

With respect to the ailments of democracies Lord Bryce demonstrates that all show the same symptoms although in varying degree. For example, the spoils system, which we sometimes think peculiar to America, has worked its evil influence in other democracies as well. Switzerland appeals to the author as the most successful in operating democratic government, partly because of the high level of intelligence and political interest in her citizens, and partly because she has escaped the strain of rapid economic change and expanding size and wealth. Again and again he shows himself a sturdy advocate of home rule without which the political sense of the people can never be cultivated. The apathy of the average Frenchman, who has little to do in local government is the salient weakness of the French as a political people.

While Part II forms a handbook on six governments, Part III classifies the phenomena revealed in Parts I and II, and appraises democracy as a form of government and a civilizing force. It is the last part on which the general reader will seize with the greatest avidity. Throughout, the author has sedulously refused to be drawn from his subject into the more dramatic, economic and social problems of to-day.

The latter receive attention only when they influence the former.

The successes and failures of democracy seem to balance each other rather evenly, as Lord Bryce spreads them before us; but on the whole the advantage is with the successes. He is an optimist, although hardly a cheerful optimist. Legislatures have declined both in manners and in ability to meet the demands placed on them. The defects of second chambers are enumerated, but a second chamber of the right sort is needed and a small selective commission is suggested whose chief function would be to choose the upper house. This house would be removed from party strife and would have no supervision over the daily work of administration; it would devote its time to the study of and legislation on the economic and social problems of the day.

In foreign affairs democracies have nothing of which to be ashamed. On the whole the people's opinions regarding international relations have been sound. Compared with oligarchies and monarchies the executive departments of democracies have succeeded. In considering the influence of wealth on politics, Lord Bryce does not mince words. The purest, the best administered and most truly popular democracies have been those in which there were no rich men. He has no patience with popularly elected judges. Party spirit is particularly bad in the United States, but counts for little in France. But, one may ask, may not the greater political interest and intelligence of the American as compared with the Frenchman be at once the cause and result of party spirit? Yet there is little party spirit in Switzerland, although there is keen interest in politics.

Clearly enough, political democracy has not worked out as the nineteenth century liberals expected it would, but it is not quite fair to measure its accomplishments by their expectations. Lord Bryce acknowledges the existence of many modifying conditions since their time, but after all it seems to be their standards which he applies. Not that they are not proper enough when judging how successfully man has fulfilled his promise as a political animal, but they suggest no new scheme of things to bring ordinary people and government into better adjustment. But Lord Bryce is acting as an appraiser and has not set himself up as a prophet.

Gratifying progress has been made in America since the *American Commonwealth* was published. The short ballot, administrative consolidation, reform in city governments, are all

noted and approved. The city-manager plan is called the latest word in municipal reform. Signs of our sense of public duty have grown stronger and our standards of public life are rising steadily.

It is a pleasure to observe that the book shows that its beloved author has been a consistent and sympathetic reader of the NATIONAL MUNICIPAL REVIEW.

H. W. D.

SPEAKERS

The National Municipal League maintains a list of persons in various parts of the country prepared to make addresses on city, county and state government.

Augustus R. Hatton, Ph.D., charter consultant for the National Municipal League, is prepared to speak on the subjects listed below. Dr. Hatton is a fluent and brilliant speaker and campaigner. He is obtainable on a fee basis subject to prior engagement. (Address National Municipal League, 261 Broadway, New York.)

SUBJECTS

1. Representative Government. What is it? Do we want it? Can we have it?
2. The Coming of Municipal Democracy. A discussion of the evolution of types of city government with a frank evaluation of the strength and weaknesses of each.
3. The Problem of the Ballot. The evolution of the forms of voting and electoral processes with their effects on popular government.
4. American Free Cities. The experience of American cities with constitutional home rule.
5. Is Manager Government Applicable to Our Largest Cities? Conducted as a debate if desired, Dr. Hatton taking the affirmative.
6. Getting Results for the People's Money. Does it matter? How can it be brought about?
7. What Is Wrong with State Governments? An analysis of the problems of state organization and administration with some suggested remedies for defects everywhere admitted.

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National Municipal Review

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Pensions in Public Employment

Report of the Committee on Pensions

Prepared by Paul Studensky

New Jersey Bureau of State Research

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EDITORIAL OFFICE, 261 BROADWAY, NEW YORK, N. Y.

FOREWORD

THE movement which involves the establishment of provisions for the retirement of aged and disabled employes and for the dependents of the diseased which is generally referred to as the pension movement, has assumed in the public service of this country very wide proportions. No statistics are available as to the number of employes covered by pension provisions and the total amount of obligations which have been assumed towards them. A fair estimate would place the number at more than eight hundred thousand and the total obligations on their account at a billion and a quarter dollars. The teachers covered by pension provisions alone exceed 300,000 and the obligations on their account half a billion dollars. The federal employes also number more than 300,000 and the obligations on their account are estimated at about \$440,000,000. To these must be added other state and municipal employes and the obligations involved in their cases.

A sound and orderly development of so huge a movement is imperative if disastrous burdens and heavy disappointments to both public and the employes are to be avoided. This thought seems to be slowly dawning upon legislators, administrators, far-sighted employes and public-spirited citizens as shown by the fact that there has been a remarkable endeavor made by these men in various states and cities during recent years to place their particular local pension systems or projects on a sound foundation.

A number of state and municipal commissions, specially appointed for the purpose and provided with proper technical assistance, have made thorough studies of the existing pension laws, pointed out their defects, advanced certain principles to which all pension systems should conform to be sound, suggested the ways in which

the transition from the present unsound situation to a sound one could be effected and furthermore secured the enactment of some, if not all, of their curative recommendations.

These various investigations were limited in their scope to their particular state or city and to this extent had only a limited influence, and their valuable suggestions and achievements have never been collated and digested except in the field of teachers' pensions.

In order to fill this gap, the National Municipal League has created a special committee and has called upon the New Jersey Bureau of State Research for technical assistance. It was decided to bring together the accumulated results of these investigations, to set forth the defects of those pension systems which are apparently breaking down, to formulate the fundamental principles which should govern the pension laws of any state and to present all this in a compact report.

The report submitted herewith was prepared by the secretary of the committee, Dr. Paul Studensky, Director of the Bureau of State Research, in accordance with the general deliberations of the committee.

Mr. De Roode dissents from approval of the contributory principle in his minority report which will appear in the May issue for lack of space here.

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NATIONAL MUNICIPAL REVIEW

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PENSIONS IN PUBLIC EMPLOYMENT

REPORT OF THE PENSION COMMITTEE OF THE NATIONAL MUNICIPAL LEAGUE

PREPARED BY PAUL STUDENSKY

Director of the Bureau of State Research of the New Jersey State Chamber of Commerce

CHAPTER I

MAIN DEFECTS OF EXISTING SYSTEMS

THE pension legislation in this country has been until recent years a bad growth—bad, not in the sense that it has been unnecessary and fundamentally evil (quite on the contrary, it has been very necessary) but in the sense that it has developed along unsound lines. For it is a matter that has a broad public aspect. It vitally affects the public as the consumer of governmental services and as the party that pays the bill; and the public employes who are distressed in the absence of a pension system or benefited by its establishment. Yet it has been allowed until recently to grow up as practically “private legislation.”

PRIVATE PENSION LEGISLATION

The government officials, legislators, the large body of public employes and the public have been particularly inert in the matter. As a consequence,

here and there small groups of public employes, usually the older men, particularly concerned with their own prospective retirement and lack of resources, have taken the steps before their legislature to secure some legislation that would relieve their anxiety. They were the pioneers in pension legislation, but their pioneering was characterized by a very narrow outlook. They were framing pension bills to suit their own case or that of the particular group of which they were members. They were not concerned with other groups of public employes, the stimulation of efficient service, the economic distribution of costs and the financial soundness of the system which they were seeking to establish.

Having framed a bill that would meet their views of a retirement system, they would look for, and usually find, a legislator, himself unacquainted with the problem, who would be willing

to introduce the bill. The legislators would pass it because of friendship for the sponsor and compassion for the beneficiary or beneficiaries of the measure and often because of political influence. Thus the practically private pension bill would become a law.

NON-CONTRIBUTORY FREE PENSIONS

Sometimes the retirement system established thereby would merely provide for the payment of pensions directly from the public treasury and the expectation would be that the latter would furnish the pensions *ad infinitum*. The expectation is usually far too optimistic. It overlooks some very important facts. In the first place the cost of pensions is very great, — far greater than usually realized. Secondly, the pension payments which the systems must make on account of a definite force are not distributed evenly from year to year. The first payments are usually very small as only few retire in the beginning. The bulk of the payments crowd towards later periods when the present young employes who constitute the bulk of the force become eligible for retirement. When this time comes, which is thirty or more years distant, the annual appropriation for pensions becomes so heavy that the government is often impelled either to curtail the benefits or to reorganize the system at a heavy additional expense or, perhaps, even to discontinue it.

BADLY PLANNED, INSOLVENT PENSION FUNDS

Frequently the system established by such legislation provides for the establishment of a special pension fund in which the revenues necessary to make the future payments could be accumulated and from which all pen-

sions could be paid. Unfortunately the revenues of the fund are fixed arbitrarily without any actuarial estimate as to whether they will be sufficient or not to cover the cost of the benefits promised. They usually are composed of a contribution from the employes of one or two per cent of salary and of miscellaneous revenues from the public treasury such as fees from various licenses and permits covering dogs, revolvers, dancing halls, picture shows, etc., fines, proceeds from condemned property and sometimes a direct appropriation by the government of one or two per cent of salary.

The situation is just as bad as it would be if an insurance company that would contract itself to pay a \$1,000 insurance policy would fix the premium at an arbitrary and inadequate rate of, say, one dollar. Neither the company nor the policyholders would know how long it would be able to pay these policies. The state does not allow the insurance companies to-day to operate in such a reckless and blind fashion. Each company must exact premiums which in accordance with the tables of mortality will be sufficient to cover the cost of the policies contracted for and it must set aside annually a certain reserve so that the policyholders who depend on the company's ability to fulfill its contract be well protected against loss. Yet there is nothing on the statute books to-day in various states that would prevent the operation of pension systems that are not founded on an actuarial cost basis and that make greater promises than what they can fulfill.

Of course, the promoters of every such pension fund hope that when its resources give out, an amendment will be secured increasing the revenues or saddling upon the public treasury an obligation to cover any deficit which the fund may develop, and it often

happens when these inevitable contingencies arise, that such amendments are secured. But—and here is a fact which is ignored by the managers of these systems—there is a limit to the financial ability and happy-go-lucky attitude of the administrative official. A day comes when the latter finds that these pension funds with their inadequate reserves, or no reserves at all, and with their constantly increasing drafts on the public treasury are a considerable financial burden. He then makes a move for a reduction of the benefits or other readjustment of the system which is not altogether pleasant to the members of the fund.

Such breakdowns of pension funds have occurred in a number of states and cities. Suffice it to mention the New York City Teachers' Retirement Fund which became bankrupt in 1916 and had to be completely reorganized; the New York City Police Pension Fund, whose annual deficiency amounts to over \$2,000,000; and numerous funds in New Jersey. Everywhere, except where the funds have been so recently organized that they did not have the time to develop trouble, breakdowns of the funds have occurred.

INEQUITABLENESS AND CONFUSION OF MANY SYSTEMS

In addition to the financial instability and insolvency of the pension systems, the inequitableness in the provisions of these systems and the inconsistencies and confusion in pension legislation are most startling. Since each group of employes, as stated, has framed and secured its own pension law without regard to other pension laws and to the needs of other classes of employes, a multiplicity of pension laws which widely differ from each other have grown up on the statute books in almost every state. Some of

these provide for systems that are contributory, others for those that require no contributions. Some establish a certain rate of contributions or kind of revenues, others another rate and another kind. Some provide benefits of a certain type, amount and under certain conditions. Others provide benefits of another kind, amount and under other conditions. These differences usually cannot be justified on the basis of any principle, equity or practical consideration. They lead to jealousies, extravagance and demoralization of the service.

GROWING DISSATISFACTION WITH EXISTING SYSTEMS

The financial breakdowns of pension funds, the chaos of pension legislation, the repeated annual processions of various groups of employes before the legislature clamoring for amendments of their existing laws to increase the benefits and grant them the same special privilege that another group secured, or increase the revenues of their system to save it from collapse, or pleading for enactments that would establish a special pension fund for them if they had not been previously provided for,—all this chaos and annoyance, bordering on scandal, has in many states at last attracted the attention of the legislators, administrative officials, broad-minded employes, and the public at large.

EFFORTS TOWARDS REORGANIZATION

The states of Massachusetts, New Jersey, Illinois, New York, Pennsylvania, Ohio, Connecticut, Vermont, Minnesota, Wisconsin, and the cities of New York, Boston, Milwaukee, San Francisco and others have started an effort to cure this evil situation. In each of these states or cities a commis-

sion or committee was created for this purpose consisting either of legislators, or of administrative officials, or of leaders among the employes, or of a mixed nature. Most of these commissions or committees secured actuarial assistance and devised measures for the legislature that would reorganize the whole pension system of their state or city on a sound actuarial basis. The task of these committees was not an easy one, for opposition to reorganization was encountered from those who preferred the old order.

In only very few instances, usually those where only a limited program was adopted by the commissions, have they succeeded in carrying out all their recommendations. Where a comprehensive program was planned usually only a part of it was carried into effect. Thus, for example, in New Jersey, the program adopted by the commission called for the establishment of a sound system for state employes and the reorganization of the system of the teachers and the municipal employes. The actual results were as follows: that part of the program which covered the teachers was adopted by the legislature and carried into effect in 1918; the part covering the state employes did not find its way to the statute books until 1920; while the part covering municipal employes remains unrealized to the present, in spite of strenuous efforts of its friends to have it enacted.

Each of these various investigations has advanced some new principles or methods for the government of the benefits and resources of a sound retirement system. From these principles and methods, which have never been reviewed nor compiled except in the field of teachers' pensions, the committee has selected those which it believes are the best.

UN SOUND RETIREMENT SYSTEM FOR FEDERAL EMPLOYEES

Before passing on to the efforts at reorganization, a few words must be said about the unfortunate retirement situation in the federal service. For the same unsound tendencies as are described above, only in a still more magnified form, have developed in that field. For years the administrative branch of the government failed to take an energetic step towards the development of a sound retirement system. For years Congress refused to consider seriously the idea of a retirement system. Finally, the leaders of the employes exasperated by this policy of procrastination on one side and opposition on the other, took the matter into their own hands. They framed a retirement bill which was unsound in almost every respect but well adapted to the prejudices of Congress and of the mass of employes in the matter. The opposition of Congress to expenditures by the government for retirement was appeased by providing that for the first few years all the expenditures for retirement should be met by using the monies supplied by the contributions of the employes. The objections of the employes to contributing were quieted by fixing their contributions at a very low rate—2½ per cent of salary. Few members of Congress, when the bill came before them in 1920, inquired into the future burdens of this system and the soundness of the method by which these burdens were to be met. Most were interested in but one question so far as the financial phases of the proposal were concerned: Will the bill, if enacted, require any large appropriations in the more or less immediate future, or not? Assured that it will not, they lent their support to the measure. The bill was passed and the President gave it his approval.

Thus at last a retirement system has been enacted, but unfortunately one that is not sound. Obligations amounting to hundreds of millions of dollars have been placed on the statute books and charged to the people of this country through the instrumentality of this system without a sound and adequate method for their discharge. One evil situation—the lack of any retirement provision has been cured by the creation of another bad situation in its stead—the establishment of a retirement provision which is deficient in its financial basis.

For, whereas the government needs not to contribute until the fund created by the employes' contributions is exhausted by the annual disbursements for pensions the government will, having once begun to contribute, do so at a rapidly increasing rate and will in the course of time pay manifold for its failure to bear its proper share of the burden in the beginning. It will have to pay for dissipating the monies paid by the employes. These monies should have been set aside and invested for them at interest to constitute reserves for their future benefits, instead of being paid out in benefits to others. The government will have to pay back to the employes the dissipated principal with interest. It will have to pay in large instalments and with heavy interest charges its accrued and

normal liabilities for the discharge of which it should have begun to contribute and set aside reserves from the beginning. As there is no correlation under the present system between the benefits offered and the contributions paid, the tendency will be to liberalize the benefits unduly, without considering the costs, with the result that the burdens for the government will be still further increased.

The establishment of a retirement provision for several hundred thousand employes is an undertaking of great magnitude, replete with far-reaching consequences. It is unfortunate that it should have been so mishandled and should have resulted in the enactment of a measure so thoroughly unsound as this one, at a moment when state after state are endeavoring to extricate themselves from the evils of unsound pension legislation.

Years will pass before the unsound financial features of this system will be remedied, if they ever will, for as difficult as the reorganization of pension systems generally is, the difficulties in the reorganization of this system will be multiplied because of its gigantic size and the huge amounts running into millions of dollars which will have to be raised in case of the readjustment of the system, in order to provide for the obligations which are now unduly shifted.

CHAPTER II

PRELIMINARIES OF A SOUND SYSTEM

1. *Need for Retirement Provisions and Their Purpose.*—The establishment for public employes of provisions for old age, or disability, is desirable in order to make possible a humane and effective retirement from the service of the superannuated and disabled and also in order to assure the employes and their dependents a means of support

when they are no longer capable of earning a living. The establishment of a retirement system is just as desirable in a well-conducted governmental service and in the employe's own system of living as is the establishment of a proper depreciation account for equipment, plant, etc., in a well-conducted business. For the employe's

earning capacity depreciates and is brought to naught in the long run as he reaches old age or is prematurely disabled. It is not only proper but imperative, therefore, that every year that the employe enjoys his activities and that the employer uses his services a contribution should be made towards the time of this depreciation so that when the time comes the employe could be properly retired.

This principle asserts that two interests are involved in a retirement system: the interest of the service and that of the employe (and his dependents), and that the requirements of each must be fairly met. Very often retirement systems are framed with only one interest in mind—that of the efficiency of the service, or that of the employe, depending on whether the employing authority or the employe is framing the system. This principle, if adopted and laid into the foundation of every retirement system would obviate such one-sidedness. The committee definitely discards in this statement the idea of a pension as a reward for long and faithful service or a gratuity. It places the retirement system on a very definite economic basis as an essential part of a good system of administration of the personnel as well as an important element in a well-conceived system of living for the employe.

Furthermore, it asserts that all classes of public employes ought to be covered by retirement provisions. There is great need for the recognition of this truth. Most of the present systems are founded on the consideration that the particular group, whether it be teachers, or policemen, or another group, is entitled to exclusive or foremost attention of the legislature or administration in the retirement matter. The committee recognized that it may often be impossible to cover at

once all the classes of public employes by a retirement provision; that certain groups may have to be singled out as the first to be benefited. But it suggests that at least careful judgment be used in such cases. The present situation in which the bestowing of retirement provisions is determined by the insistence and ability of the particular group to secure the provision, is highly unsatisfactory.

2. *Development of Provisions in Joint Consultation.*—As the retirement question vitally concerns the state, the employing body which is responsible before the community for the maintenance of efficient service and the employes who are responsible for the maintenance of themselves and their dependents throughout their lives, and involves certain mutual responsibilities between them, it is highly desirable that the framing of retirement provisions be carried out in joint consultation between the legislators, the representatives of the employing authorities and the representatives of the employes so that all interests should be equitably taken into account. The representatives of the employing body and the employes should be of the highest caliber. Those of the employes should be selected by their associations and be few in number to permit intelligent round-table conference.

3. *Expert Technical Assistance.*—As the framing of a sound retirement provision involves actuarial calculations of cost of the proposed benefits and other highly technical work, the body vested with the duty of framing the provision should be provided with expert technical assistance including an actuary familiar with the pension problem and other experts.

4. *A State Policy.*—In order that there should be true equity between the various groups of public employes and a sound and firm foundation for their retirement provisions there ought to be enacted into law in every state where pension provisions are in opera-

tion, or are thought desirable, a definite state policy governing the question of retirement. This law should lay down the fundamental provisions which any retirement system should contain and the conditions under which any department of the state or any county or municipality or any one of their departments can establish a retirement system, or can come under the scope of an existing system. This fundamental charter should be sufficiently broad to permit the introduction in the various systems of such variations in detail as may be required by the different conditions to which the systems are applied.

5. *State, County and Municipal Pension Funds.*—The organization of retirement funds should follow broad and natural lines which would make possible the gradual orderly extension of retirement provisions from one subdivision of the service or class of employes to another, and the sound operation of the fund. Within each fund the members should be divided into proper occupational and sex groups so that differences in the benefits, retirement age and the rates of contributions could be established in accordance with the difference in the hazards of their occupation, cost of their benefits, requirements of their service, and other factors.

As a result of the independent action of various groups, it often happens that multiplicity of small pension funds,

each covering a certain department or a small local unit, are set up. There can be neither efficient administration nor financial stability under such arrangement. A consolidation of small related units into larger natural units, such as suggested, is highly desirable. All state employes should be grouped into one state fund. The employes of a county into one county fund. Those of a municipality into one, or in case of large municipalities, few funds operated under the same law and centralized authority. The teachers should be grouped into one state-wide fund, except those in the largest municipalities, where a special local fund may be constituted for them without presenting the dangers mentioned. Further considerations may be desirable, uniting, for example, a county and a municipality that are related, into one pension fund unit.

The suggested subdivision of the members within each fund according to occupation works towards equitable arrangement and financial stability. The following is a fair classification: (1) policemen; (2) firemen; (3) mechanics, street cleaners, laborers and other workers engaged upon duties requiring mainly physical exertion; (4) clerical, administrative and technical workers engaged upon duties requiring mainly mental exertion; (5) teachers.

CHAPTER III

FINANCIAL STRUCTURE

6. *Actuarial Basis.*—The retirement system should be established and operated on an actuarial basis, *i.e.*, on the basis of tables prepared by actuaries, of the mortality and withdrawals from the service and cost of benefits. Each year throughout the service of each employe, there should be set aside and invested with interest

a certain contribution which would accumulate a reserve from which his retirement allowance could be eventually paid.

In other words a retirement system should operate on the basis of statistical and actuarial investigation just as insurance systems do. The actuaries

determine what reserves are necessary at different ages of retirement to make possible the payment of an annuity of \$1 to those retired at these ages, to the end of their lives. These reserves are figured as averages for the groups of the same age. Some of those within the same group may live longer than the average time for their group, and draw more in retirement allowances than their reserve, while others may live shorter than the average time and draw less. The deficiencies in the former case will be covered from the surpluses in the latter, and the average for the group will hold true. The accumulation of the reserve begins when the employee becomes a member of the retirement system and it ends on his retirement; then the expenditure of his reserve begins. When the employing body promises a certain retirement allowance, the actuaries determine what its obligations on a reserve basis on that account are and what contributions must be paid by it every year to accumulate the reserves that would cover them. If the prospective assets that the fund will realize from these contributions equal the prospective liabilities, the fund is solvent.

Among the advantages of the reserve basis of operation the following may be mentioned:

(1) It is in accord with the policy of "pay as you go." It distributes equitably and economically from year to year the burdens of the supporters of the system and to that extent is sound finance. The employing body bears each year the proper normal share of the total obligations it assumes. Each year the services are rendered it raises the monies covering that part of future pensions which is on account of the services rendered that year; each generation of taxpayers defrays, therefore, its own pension obligation. And similarly the employees, if they contrib-

ute, bear each year the proper normal share of obligations they assume. Each year they set aside from their salary the sum of money necessary to cover that share of their future benefit which is on account of that year. The burdens of both the employing body and the employers are levelled throughout years and do not accumulate towards later periods as they do in the absence of a reserve.

(2) It is in accord with the concept of a retirement provision as a charge for depreciation of the employee's forces, for it places a proper portion of the charge on each year responsible for the depreciation.

(3) The cost of the benefit is definitely known with the result that only such benefits are provided as are within the financial abilities of the participants and the possibility of inequitable division of cost, misunderstanding and dissatisfaction is reduced.

(4) The system is maintained in a solvent condition.

(5) The annual cost is reduced by the fact that interest is earned on investment.

7. Joint Contributory Principle.—The division of cost of retirement provisions between the employing body and the employees will be generally found more practical and in the long run more satisfactory to both sides, than the placement of the whole burden on either one or the other side. In adopting it, care must be taken that the division be truly co-operative, equitable and sound.

The advantages of the joint contributory principle favored by the committee are many:

(1) It is more economical and practical than the other systems mentioned, as it avoids heavy taxing of either the resources of the employing body or the earnings of the employee and facilitates thereby the establish-

ment and maintenance of so costly an undertaking as the pension system.

(2) It leads to an equitable and desirable readjustment of expenditures of both the employing body and the employee.

(3) It checks, if properly conceived, extravagant demands on the part of the employes as it makes the latter participate in the increase of cost that would result from the grant of such demand; and it fosters, therefore, a steady, sound development of the system.

(4) It calls for the participation of the employes in the management of the system—a feature which helps the harmonious development of the system.

(5) It is in accord with the fundamental philosophy just stated, that both the employing body and the employee are benefited from and interested in the establishment of a retirement system and ought, therefore, to contribute to it.

(6) It is also in accord with the theory that the faculties of the employee are being used up by the industry or service in which he is employed as well as by his own personal pursuits and enjoyments and that, therefore, a joint responsibility rests upon the industry or service and upon the employee for the upbuilding of proper means that would sustain the employee during the time when these faculties shall have been destroyed.

(7) It does not develop, as the other systems do, grievance in one party against the other to the effect that it has to bear the other's responsibilities and burdens.

(8) It leads in the long run to greater mutual satisfaction and co-operation.

The joint contributory principle has been adopted in almost all sound pension systems in this country. The prevailing tendency of these systems

is towards arriving in the long run at a more or less equal division of the cost between the employing body and the individual employee. This more or less equal division is applied to the cost of the benefits on account of future services. Accrued liabilities (which arise out of the past services) and the cost of benefits on account of injuries sustained or death occasioned in the performance of duty are usually borne entirely by the employing body. As instances of such arrangements, the systems for the state employes of New York, New Jersey and Massachusetts, the municipal system of New York City and San Francisco and the proposed municipal system of Boston may be mentioned, besides practically all the sound teachers' pension systems of the country. Among the few instances where a different division of cost has been adopted is the system of Chicago, where the city's normal contribution is about 75 per cent higher than that of the employees; the Milwaukee project under which the city is to bear three-fourths of the cost of the policemen's and firemen's superannuation and two-thirds of that of the teachers; and Yonkers' project, where the division is 55 per cent for the city and 45 per cent for the employee.

8. *The Non-Contributory System.*—If the so-called "non-contributory system" is established the cost of the protection which it offers should be clearly determined and brought to the knowledge of the employing body and employee and it should be clearly understood between them that this cost is not borne by the employing body alone but is borne also in part by the employee, for the latter's wages are in the long run depressed by the employing authority that seeks to recover that way from the employee's wage a part of the cost of the old age, disability and death protection towards which it feels the employee should have contributed.

The employing bodies and the employes prefer sometimes the so-called "non-contributory" system under which the employes do not directly contribute and nominally the entire cost is borne by the employing body. The employing authorities that prefer it do so usually for one or more of the following three reasons: They either want to exercise a complete control over the retirement system and realize that if the employes do not contribute, the employes have a lesser claim, if they have any, for participation in that control; or else they want to effect a saving in the cost of administering the system, for the cost of collecting and recording individual contributions is sometimes very considerable. Or they may desire to avoid a controversy with the employes who may object to any other system.

The frequent preference of the employes for it may be explained by the following reasons:

1. The employes who are most interested in the question of protection against old age, disability or deaths are usually the older employes; they naturally regard the retirement allowance as a reward for their long and faithful service; even though they may be willing to contribute, they cannot possibly contribute more than a small portion of the cost of their retirement allowance in the course of the few years left for them to serve; they cannot, therefore, regard very seriously their contributing to their retirement and are naturally inclined to believe that the employer could as well provide their retirement entirely at his expense, without bothering about such a bagatelle as their contribution.

2. The younger employes who constitute the bulk of the entire personnel are usually not interested in the questions of protection against these contingencies, for the latter seems very

distant. They could contribute without much hardship a considerable portion of their retirement allowance by setting aside each year a small portion of their wage, but they usually do not care to do so, for they want all their money for the satisfaction of their immediate needs and pleasures. They feel that if the employer is interested in establishing a provision for their old age or disability or death he should do it entirely at his own expense without calling for any contribution on their part.

3. The men or women in their late thirties or forties stand in between the extreme helplessness against these contingencies represented by the first class and the extreme lack of care of the second; they think of their future old age and are still in a position in the course of the 20 or 25 years ahead of them to contribute a respectable portion of their old-age benefits; if they favor a so-called "non-contributory" system they do so because they feel that their money wage is increased to the extent that it permits them to apply to some other purpose the portion which they would have otherwise set aside for foregoing contingencies, in other words that it practically increases their wage.

Granting, therefore, that under some conditions so-called non-contributory systems will be established, the committee argues in favor of an effort to dispell the misunderstandings which often in such cases develop. The employing authorities usually conceive that they are really paying the entire cost of such a system. They tend to exaggerate the value of the benefits they offer and unduly depress the wages on this account. Employes also believe that their employer pays the whole cost of the non-contributory system and do not realize that they are really paying a part of it in the form of

the depressed wage. They tend either to undervalue the benefit and consequently be dissatisfied with the wage to which the benefit is an addition, or else to overestimate it and, consequently, be willing to accept a lower wage on this account than what the circumstances warrant.

The worse of these misunderstandings and inequitable results could be avoided if the cost of the benefit offered were known and an equitable relation of the benefit to the wage were determined and established.

9. *Contribution of Employing Body.*—The accrued liabilities (the liabilities on account of the service rendered prior to the establishment of the system) should be discharged by the employing body on a full reserve or partial reserve basis, so that until they are finally liquidated each year should bear a certain equitable normal proportion of them. Where the setting up of a partial or full reserve is impossible, the employing body should be fully aware that it shifts the burdens of the accrued liabilities upon posterity. The normal contributions of the employing body (the contributions made on account of service rendered subsequent to the establishment of the system) should be made from year to year on a reserve basis. The administrative expenses should be discharged without setting up any reserve.

The advantages of contributing on a reserve basis have been already indicated. It remains to explain the different problems in contributing for the services rendered after the establishment of the system and in contributing for those previously rendered. In the former case the problem is easy. Each year the services are rendered, the employing body contributes on that account. Not so with previous services. No contributions have been made by either the employing body or the employee when they have been ren-

dered. When credit is given for them a deficiency is created in the fund. This deficiency, known as the accrued liabilities, must be covered. It is practically impossible to ask the employees to cover any part of it. The employing body must assume the responsibility for its liquidation. It is impossible for the government to appropriate at once the amount necessary to cover this deficiency, as the latter is usually very considerable, far exceeding the amount of the payroll. The expedient, which is, therefore, considered most practicable is to distribute this deficiency over a certain period of years, say 20, 25 or more, appropriating each year a certain amount so that at the end of this period the deficiency is liquidated and the fund is in possession of all the necessary reserves. This annual contribution is sometimes called a "deficiency contribution" as distinguished from the "normal contribution" which is on account of subsequent service. In some systems, as, for example, in the municipal system of New York City, the deficiency contribution and the normal contribution on account of present employees are merged together; the total liability is estimated and a certain per cent of it, 6 per cent in New York, is appropriated each year so that within a certain period it is liquidated. Practically all sound systems adopt some method for the liquidation of the accrued and future liabilities on a reserve basis. The only exception is the Massachusetts Employees' System.

10. *Contributions of Employees.*—The contributions of each employee should be set aside and invested for him until the time of his retirement, or withdrawal from the fund. They should bear a certain ratio to his salary. Some degree of graduation of the rates of contributions according to the age when the employee begins to contribute

is desirable so that late entrants should pay higher rates and would accumulate thereby in spite of the shorter remaining period of service, a reserve sufficient to provide them with an adequate benefit. The sex and occupations of the employes should also be taken into account in fixing the rates.

The principles expressed in the first and second sentences of this statement are recognized in all the sound systems in this country, but those stated in the remaining part are subjects of controversy. There are sound systems in which the rate of contribution is uniform for all entrance ages. Such is the system for the state employes of Massachusetts where everybody contributes 5 per cent of salary and the systems of Chicago and the proposed Boston system in which the contribution is near 4 or 5 per cent. They are more simple, but present that disadvantage that

in case of late entrants the benefit produced is inadequate. Considering that the benefits in case of late entrants should also be adequate, the committee favors some degree of graduation without specifying whether it should involve a different rate for each age or a different rate only for a certain group of ages such as, for example, 20 to 25, 25 to 30, etc. Several systems establish the same rate for both sexes and all occupations. The distinction as to sex and occupation is favored here in view of the difference of mortality peculiar to each and, therefore, cost. Unless a difference in rates is established, the women and other groups with greater longevity either receive smaller benefits or else receive them to some extent at the expense of the groups with a shorter life expectancy or at an additional expense of the employing body.

CHAPTER IV

BENEFITS

11. *Contingencies to be Covered and Distinction Between the Sources of the Benefit.*—A comprehensive retirement system should provide benefits for the following contingencies: old age (superannuation), disability, both ordinary and in performance of duty, death—ordinary and in performance of duty; withdrawal from the service through resignation or dismissal. It is desirable that the retirement allowance should be divided into two distinct benefits: the "annuity" provided by the employe's own accumulated contributions and the "pension" provided by the accumulated contributions of the employing body.

Superannuation is taken care of in all existing systems. But one or the other contingencies mentioned are often ignored. Yet they are of utmost

importance. Disability can strike a person at any time; death may leave his dependents, for whom he works, without means; the employe may resign or be dismissed, and ought not lose in such case all the accumulations that have been formed from his and his employer's contributions during his service for, should he incur such a loss every time he changes employment, his protection against the contingencies of old age, disability and death will be seriously impaired if not altogether destroyed. All these contingencies must be equitably provided for.

The distinction as between the sources of the benefits is important because it is quite common for either the employing body or the employes to make exaggerated claims as to the

cost to them of their participation in the retirement system. The employer would claim that he pays so much for the employe's future retirement that he cannot increase his wages as he ought to, or that he must even reduce them; while the employe would claim that he contributes so much towards his future retirement that his wages should be increased. When each side knows exactly, as proposed in the foregoing principle, how much of the pension each pays, there is less room for exaggerated claims and there is more satisfaction. Furthermore, at each proposed amendment of the system the difference of cost that would result to each may be determined, if this distinction is adopted, and proper adjustments in their respective budgets and in the salaries can be made by each side, thus assuring a continued equitable development of the system. In practically all the sound systems this principle is adopted.

12. *Relation of Benefits to Salary and Length of Service.*—Some proportionality, either direct or indirect, or both, between the retirement allowance and the average salary of the employe is desirable so as to assure him a retirement that will not be far removed from his standard of living. The retirement allowance should increase with longer service so as to give recognition to a longer period of usefulness to the employer, of activity on one's own behalf and of contributions and so as to afford an incentive to remain longer in the service. A minimum amount of benefit should be fixed to prevent in any case the falling of benefits below a level under which it is impossible to cover the necessities of life.

That some degree of proportionality to salary and length of service is desirable is generally admitted. The disagreement arises over the extent to which it is desirable. There are three

types of proportionality: the direct, the indirect and the combined.

(1) The direct proportionality is obtained when the benefit is fixed as a certain proportion of salary for each year of service.

(2) The indirect, when the benefit is not fixed as a certain proportion of salary and yet eventually any way arrives at some degree of proportionality because of the fact that the contribution from which it is produced is fixed as a proportion to salary and is made for every year of service. There may be two types of indirect proportionality—that derived from a contribution of uniform percentage for all entrance ages, and that derived from a graduated contribution. In the former case the benefit would be proportioned only in the case of early entrants, in the latter in case of all entrants.

(3) The combined, direct and indirect, proportionality is obtained by making the "pension" part of the retirement allowance directly proportional to salary and length of service, but the "annuity" part only indirectly proportional.

There are no sound systems in operation in this country in the public service that are built solely on the first of these three arrangements, for the disadvantages of such an arrangement are generally considered greater than its advantages. The Massachusetts State Employees' System and the systems of Chicago, San Francisco and Milwaukee follow the second method. The Massachusetts system grants such allowance to the employe as a contribution of 10 per cent of salary (five from the employe and five from the state) will provide, thus indirectly assuring proportional benefits. Several systems, including those of New York and New Jersey state employes and New York City municipal employes, follow the mixed arrangement. Thus in the

New York City system the retirement allowance is fixed as follows: (1) An annuity of such amount as the graduated contributions will provide; in the average case the same as the "pension"; (2) a pension of $\frac{1}{16}$ of salary for clerks, $\frac{1}{16}$ for mechanics and $\frac{1}{16}$ for laborers for each year of subsequent service, and $\frac{1}{6}$, $\frac{1}{8}$ and $\frac{1}{8}$ of salary for the three groups respectively for each year of prior service. Thus an allowance of approximately half pay is obtained after 35, 34 and 33 years of service respectively. The New York State Employees' and the New Jersey State Employees' and several other systems and projects also belong to this class.

The principle of proportionality is stated by the committee so broadly as to include any of these types, each of which presents certain advantages.

13. *Age the Proper Basis for Retirement.*—Retirement should be based primarily on age and only secondarily, if at all, on length of service. There should be a minimum age after which retirement is permissible and a maximum age after which retirement is compulsory and which could be extended only upon proof of special fitness. The minimum age should be so fixed as to result in neither too premature, nor too late retirements. Sufficient margin between the maximum and the minimum should be fixed so as to allow for the variations in the time when one or another employe may become superannuated and permit the employe and his superior to exercise sufficient discretion as to the time of his retirement.

In the old days, retirement was based on length of service because the pension was conceived as a reward for long and faithful service. But to-day the tendency is to base it on age because the pension is increasingly regarded as a means of protection against old age. Furthermore, the "length of service"

basis does not work out to-day as well as it did years ago, because the employment becomes increasingly mobile, men change the service much more frequently and enter the employment from which they eventually retire, often at a late age. An employe who entered the service early will complete the required 20, 25 or 30 years of service at the age of 40, 45 or 50. He will qualify for retirement while still a young man. The retirement of the young is undesirable from the point of view of efficiency of service and unnecessary from the point of view of the employe and it is very costly because of the considerable life expectancy of the young. And on the other hand the man who entered the service late will qualify for retirement only at a late age. It is, therefore, more practicable to fix a certain age for retirement either without any qualification as to length of service or only with a slight qualification, such as, for example, a minimum of 10 years of service in addition to the required age. Most of the sound systems of to-day follow this practice. The ages fixed by the New York City System are suggestive of a good age arrangement: laborers 58, mechanics 59, clerks 60. For policemen and firemen age 57 was proposed.

14. *Ordinary Disability.*—Retirement for ordinary disability should be allowed irrespective of the age of the employe and after a comparatively short period of service. The scale of benefits should be so fixed as to provide benefits which would in all cases be adequate and yet not as large as the benefits which he would receive if he continued in the service until superannuation. Impartial and expert medical examination prior to the granting of retirement as well as periodical re-examinations after retirement should be assured and, in case disability is found to have reduced or altogether ceased, the reduction or discontinuance

of the allowance and restoration of the employe to service should be made possible.

15. *Disability in Performance of Duty.*—Retirement for disability incurred in performance of duty should be allowed irrespective of the length of service. It should be compensated by the employing body, more liberally than ordinary disability or superannuation, since the responsibility for the disability rests principally upon the service. Its "pension" part should be paid from a special fund, as it represents a special hazard. Strict safeguards, such as are mentioned in the preceding section and others, must be provided to prevent abuse. Where an employe is also covered by a workmen's compensation act, choice should be allowed him between the benefit under one or the other system.

16. *Ordinary Death.*—In case of ordinary death the employe's contribution together with compound interest should be returned to his legal representatives. An additional death benefit to the widow or the children of a lump sum equal to one or two years' salary and provided either entirely at the expense of the employing body or jointly with the employe is desirable.

A refund of contributions is a minimum of what should be done in a sound system. An additional benefit adds much to the attractiveness of the system. The New York City Municipal System provides such an additional death benefit, fixing it at one half of a year's salary. San Francisco does likewise. Chicago and Milwaukee go still further in this matter and provide considerable annuities to the widow.

17. *Death Caused in Performance of Duty.*—In case of death caused in performance of duty the payment of an adequate pension to the dependents in addition to the payment of the

employe's own accumulation (or an annuity provided thereby) is advisable, as the responsibility for the death rests upon the service. The pension should be paid by the employing body from the same fund from which the pension for disability in performance of duty is paid.

These principles are supported by the features of most of the sound systems. In the system of New York State and New York City the widow and children are allowed a pension of half pay in addition to a refund of the contributions of the deceased.

18. *Resignation and Dismissals.*—In case of resignation or dismissal the employe's contributions with compound interest should be refunded to him.

The benefit required in this statement is a minimum of what should be done. Some systems have gone beyond this and provide also for a refund or credit, for annuity purposes, of all or part of the employer's contribution made toward superannuation with interest after a certain length of service.¹

19. *The inclusion of optional benefits is highly desirable, because it increases the elasticity of the system and makes the benefits more adaptable to individual conditions.*—Most of the sound systems allow the member at the time of retirement to choose to take a smaller allowance with the proviso that a balance of his reserve or a similar allowance or a half of that allowance shall be paid to his dependents after death. A person who has no dependents will not avail himself of this option and will take his entire allowance. But a person with dependents will avail himself of it and will find it of considerable comfort.

¹See New York City, Chicago and Milwaukee systems. Ch. VII.

CHAPTER V

ESTABLISHMENT, ADMINISTRATION AND MEMBERSHIP

20. *Establishment of the System.*—To avoid delay due to apathy of public officials and employes, the establishment of the retirement systems should be made, wherever possible, mandatory. Where, especially in cases of counties and municipalities, a provision of such nature would be too drastic, the establishment can be made optional. In such case an equitable participation should be assured to the employing body and the employes in the determination of whether or not the retirement system should be established at the time. And proper actuarial and other information as to the burdens involved for each side should be presented to them before the system is finally established.

Little need to be added here. The provision in the proposed New Jersey municipal plan may illustrate the suggested practice. It is provided there that in case two thirds of the employes of any department of any municipality not now having a pension fund shall at any time signify in writing their desire for the establishment of a retirement system, then the governing body of the municipality shall secure an actuarial estimate of the liabilities involved in such system, publish the estimate, submit the question as to the desirability of the establishment of the system to a referendum vote at the next election, and if the majority votes in the affirmative, establish the system. A similar practice is to be followed in case of the extension of the system to other departments. The provision proposed in New York (see Ch. VIII) is illustrative of a more radical procedure.

21. *Membership.*—Membership in the system should be made compulsory for all new entrants. In case of employes already in the service at the

time of establishment of the system one of the following solutions may be adopted, according to circumstances:

1. Membership can be made compulsory for them.

2. It can be made optional by allowing the employes a certain time within which to file a notification that they *do not want* to become members, and making members all those who did not file the notification.

3. It can be made optional by allowing the employes a certain time within which to file an application *to become a member*, and making members only those who filed the application.

22. *Administration.*—The administration of the system should be vested in (1) a board of trustees consisting of representatives of the employing body and elected representatives of the membership of the system and (2) an executive director. The representation in the board should be preferably equal between the two sides and be supplemented by a neutral member of high standing. But where public moneys are involved to a far greater extent than the employe's contributions a slight preponderance to the employing side in the matter of representation may be advisable. Too much emphasis cannot be placed on the fact that the duty of the board should be primarily policy determining and that the director should have a broad scope of power and be a man thoroughly in sympathy with the fundamental principles of the system. Proper actuarial assistance to the board should be provided.

The principle of representation of the employes on the board of management of the pension fund is recognized in most of the sound pension systems. Among the few exceptions to this rule are the systems of the New York State employes and the New York City

employees, where the management is entirely in the hands of the employing body. Among the arguments in favor of such representation, two may be mentioned: (1) It is only proper that persons who contribute money should exercise a voice over the usage made of these monies and (2) the interest of the employees in a retirement system is bound to be stimulated by such representatives. Important is the emphasis which the committee places on the high qualifications which the management of the system must possess. For the soundness of the system depends on good management just as much as it does on the scientific planning of the system. It is futile to write a good pension law if its enforcement is to be vested as it is often done, in the hands of men who belong to the old pension school and who disapprove of the scientific methods of operations prescribed by the law.

23. *Periodical Actuarial Valuations.*

—The retirement system should be periodically valued by an actuary, so that the true mortality and withdrawal experience of the particular service could be obtained and any changes in it registered, the adequacy of the funds ascertained and timely adjustments in the contributions or benefits made.

The only point open to controversy here is whether or not the contributions of the employees (and their purchasing power or annuity values) should also be adjusted from time to time, just as those of the employing body, according to changes in the mortality, etc., or not. The committee holds that it is to the advantage of the employees that such adjustments should be made and that the mutual features of the system are thereby strengthened.

24. *Central Technical Advice.*—The establishment of some central technical agency in the state to help the sound

operation of the various retirement systems is desirable. This agency established as a separate department or incorporated in the state insurance department could receive from the various funds reports of their operation, develop the true mortality and withdrawal experience of the various branches of the public service in the state which is necessary for the sound operation of the systems, supply technical information, value such retirement funds and also operate for such small funds as cannot lead an entirely independent financial existence, some system of reinsurance.

It does not suffice to place a law establishing a sound state pension policy on the statute books. It is necessary to assure that the huge complicated system created thereby should properly operate and harmoniously develop. For this purpose, a central supervisory agency is suggested. This proposal is outlined in detail in a bill introduced in New Jersey and is described as follows:

To protect the small funds against any unforeseen heavy hazards, the proposed bill requires all funds having less than one hundred members to reinsure themselves in the Reinsurance Fund, which will be specially created for this purpose under the supervision of the state. This feature is similar to the reinsurance feature now operating in some states in connection with the Employers' Liability Law.

All the funds will operate under the supervision of the State Pension Committee, which will prescribe standards of solvency, interpret the law, examine the operation of the funds and take care that a uniform and sound pension policy in this state is preserved and due improvements in the funds introduced. The funds will be valued by an actuary approved by the State Pension Commission, so that their financial condition will at all times be known and their solvency maintained. In a word, the State Pension Commission will function with respect to pension funds in a similar manner as a state insurance department functions with respect to insurance companies and fraternal organizations. Just as the insurance departments have greatly helped to stabilize the insurance affairs in every state in which they have been established, so will a state pension department stabilize pension affairs. Sooner or later every state in which pension funds operate must adopt some scheme of central supervision, for the present pension chaos cannot be long endured; it threatens with disaster.

A similar proposal has been recently made by the New York State Reconstruction Commission, which urged in its report the establishment in the executive department in the proposed bureau of administration of a special pension division composed of an expert pension and actuarial staff which would perform the following functions with respect to state, county, and municipal pensions: Supply information to the

legislature, and local authorities, collect pensions, make actuarial valuation of funds and calculate rates of contributions, prepare annual reports on the pension situation and ultimately supervise the operation of state and local funds with a view to enforce sound standards. The Illinois Pension Commission has also incorporated in its bill the same thought.

CHAPTER VI

TREATMENT OF UNSOUND SYSTEMS

25. *Check on Unsound Legislation.*—There should be no further enactments of retirement projects which are not founded upon an actuarial basis and which are in discord with the main provisions of the sound policy adopted.

The principle suggested here cannot be enacted into law, as one legislature cannot bind another. But its adoption by each legislature as a guiding thought and sound though not statutory rule is within the bounds of possibility. If a few fundamental laws covering the entire public service are enacted and such central agency as suggested is established, this practice would be a natural development.

26. *Preventing Establishment of New Unsound Funds.*—The establishment of new pension funds under the unsound laws which had not been repealed should be prohibited. All new funds should be established under the new law.

27. *Reorganizing Existing Unsound Funds.*—The existing unsound pension funds should be reorganized or abolished. This may be accomplished by

different methods, each possessing certain advantages, which are substantially as follows:

1. The law may be amended so as to correct the most flagrant defects of the fund and gradually bring it into conformity with the requirements of a sound policy, or

2. Provision may be made inducing the members of the unsound fund voluntarily to transfer to the new sound fund and compelling all new employes to belong to the latter, so that gradually the old fund would be liquidated, or

3. The old fund may at once be abolished, in view of its unsoundness, and all its members transferred to the new fund established under the new law.

In no case upon liquidation of an old retirement system should there be any reduction in the pensions already granted at the time of establishment of the new system. If no sufficient funds for their payment are left from the old system, the employing body should make the necessary additional appropriations from year to year as long as the pensioners live.

CHAPTER VII

SOUND SYSTEMS IN OPERATION

Leaving aside the sound retirement systems for teachers, which are treated fully in other works, there are seven systems which need be described here. These are the state system of Massachusetts,—the earliest sound system in this country, established in 1911, that of New York, enacted in 1920, and that of New Jersey in 1921; and the municipal system of New York, operating since 1920, that of Chicago and that of San Francisco, established in 1922, and that of Milwaukee which became also effective in the latter year, but so far only in application to policemen.

There is still one more system—the permissive act of Massachusetts applying to municipalities. It is, however, practically identical with the state system and furthermore only one city, that of Salem, apparently took advantage of it. It need not, therefore, be discussed separately.

The retirement system for federal employees, though only recently established (1920) cannot be discussed here. It does not belong to the class of sound systems, for practically the only sound feature in it is that which provides for an actuarial board to make valuations of the system.

Of the seven systems mentioned, three—those of Massachusetts, Chicago and Milwaukee—are based on contributions of the same percentage rate for entrants of all ages and provide just what the accumulation from the contributions of the employees and the employing body will provide. Three systems,—those of New York State, New York City and New Jersey graduate the rate of contributions according to entrance age and are mixed systems on one hand giving the employe an equivalent of his accumulations, on the

other guaranteeing him from the contributions of the employing body a pension of a certain proportion of salary for each year of service. The San Francisco system stands in between these two groups, fixing the regular pension according to accumulations from the contributions of the employing body, as the systems in the first group do, while on the other hand graduating the rates of contributions and fixing the prior service pensions as a certain proportion of salary, as it is done by the systems in the second group.

1. *Massachusetts State Employees*

The retirement system covering the Massachusetts State Employees was established under the act of 1911. It covers practically the entire service and calls for contributions from both the state and the employees, whereas formerly only certain branches of the service were covered and no contributions from the employees were exacted. Membership in the system is compulsory for new entrants and optional for those in the service at the time the system was established.

The employees in the service prior to June 1, 1918, are required to contribute 3 per cent and are allowed to contribute up to 5 per cent. Those employed since that date are required to contribute 5 per cent. No one is allowed to contribute more than on the basis of a salary of \$30 per week (\$1,560 per year). This contribution is credited to the employe's account with interest at 3 per cent and provides for him at retirement an annuity according to his age and on the basis of the American Experience Mortality Table. The state provides a pension equal to the annuity and in case of men who have prior service (prior to June 1, 1912) an extra pension as large as the double of his contribution paid throughout would have constituted. In other words, both his annuity and pension for the prior service are made up at the expense of the state, and there is a further provision by which the total allowance must in no case be less than \$300 per year nor more than half pay.

Retirement is allowed at the age of 60, provided the employe had 15 years of service, or at the age of 70 irrespective of service, or after 35 years of service irrespective of age; or in case of disability after 15 years of service. In case of withdrawal from the service through resignation or dismissal, or in case of death before retirement, the employe or his dependents are entitled to his contributions with regular interest.

The administration of the system is in the hands of a board composed of the state treasurer, a person elected by the members of the system and a third person selected by the two.

2. *New Jersey State Employes*

The law establishing this system was enacted in 1921. It covers the entire state service. Membership in it is compulsory with new entrants and optional with present employes and is divided into two large groups, laborers and clerks, with further sub-division according to sex.

Retirement is allowed at 60 and is covered by a retirement allowance of approximately $\frac{1}{10}$ of the average salary of the last five years for each year of service. It consists of an annuity such as the employes' contributions will provide and amounting at the above age to one half of the foregoing fraction in case of average advancement of salary for all future service, and of a pension from the state furnishing the other half for future service and the whole fraction for the prior service.

Ordinary disability is recognized for retirement after 10 years of service and the allowance is composed of a pension of 20 per cent of salary plus the annuity with a proviso that the total must not exceed 90 per cent of the allowance which the employe would have received had he continued in the service to the age of 60. Accidental disability is covered by a pension of two thirds of the salary plus the annuity and accidental death by a pension to the widow or children of half pay plus a refund of his contribution with interest.

In case of resignation, dismissal or ordinary death the contributions of the employe are refunded to him with interest. The usual optional benefits are provided on retirement.

The members are to contribute according to their age, sex and occupation as follows:

Clerks, men, from 4.06% to 7.15% of salary
Clerks, women, from 4.35% to 7.84% of salary
Laborers, men, from 3.53% to 7.07% of salary

Laborers, women, from 3.65% to 7.98% of salary

The state is to contribute from 2 to 2½ per cent of salary on account of future service, and in addition discharge on a reserve basis in the course of 25 years all accrued liabilities.

The system is to be managed by a board consisting of two trustees to be appointed by the governor, two elected by the members and the state treasurer.

3. *New York State Employes*

This system was established under a law enacted in 1920. It covers all employes except those covered by existing pension laws such as hospital employes.

Membership in it is compulsory for all new entrants and optional with present employes and is divided into five groups: male clerical, administrative, professional and technical; female clerical, etc.; mechanics and laborers; male employes of state institutions; female employes of state institutions.

The conditions of retirement and scale of benefits is the same as that of the New Jersey system.

Disability is recognized after 15 years of service and is covered by an allowance of 90 per cent of the superannuation scale with a minimum of 25 per cent of salary, the pension from the state supplying the difference between the annuity and the allowance. No special provision is made for disability in performance of duty or for death in performance of duty. In case of resignation, dismissal or death, the contributions of the employe are returned with interest. Optional benefits are offered on retirement; and proper safeguards are provided against abuse of disability retirement.

The employes contribute according to their age and group such a rate as would provide in case of average advancement the proportion of the benefits mentioned. The rate ranges as follows:

Male, clerical, from 4.29% to 7.24%
Female, clerical, from 4.83% to 8.13%
Male, institutional, from 3.84% to 7.24%
Female, institutional, from 4.32% to 8.13%
Laborers, from 3.42% to 7.07%

The state will contribute 1.15 per cent for future service and 2.37 per cent for prior service. The latter contribution will have to be made only for about 30 years.

The system will be managed by the state comptroller.

4. *New York City Municipal Employees*

The New York City Employees' Retirement System was established under a law enacted in 1920. It covers all municipal employes not covered by the various special departmental funds, such as those of the police, fire, teachers, Hunters College, street cleaners and department of health.

Membership in the system is compulsory for all new entrants and optional for present employes and is divided into the following three groups: laborers and unskilled manual workers; mechanics and skilled workers engaged upon duties requiring principally physical exertion; and clerical, administrative, professional and technical workers.

Retirement is optional for the first group at the age of 58, for the second at 59 and for the third at 60, and is compulsory for all at 70. The retirement allowance will average $\frac{1}{6}$ of the average salary of the last ten years for the first group, $\frac{1}{8}$ for the second and $\frac{1}{7}$ for the third. In other words, approximately half pay would be provided in the first case after 33 years, in the second after 34 and in the third after 35. The allowance consists of such annuity as the contributions of members will purchase and which in the average case at the retiring age will amount to one half of the fractions just mentioned for all future service; and of a pension provided by the city and constituting the other half of these fractions for all subsequent service and the whole of them for all prior service.

The benefit for ordinary disability is granted after 10 years of service and is somewhat complicated. In addition to the annuity of such amount as the employes' contributions will provide at the time of retirement, a pension is given which will bring the total allowance up to 90 per cent of the $\frac{1}{6}$, $\frac{1}{8}$ and $\frac{1}{7}$ fractions; if the allowance so produced is less than 25 per cent of salary then additional salary fractions will be provided for each year which separates the employe from his regular retirement, not to exceed, however, 25 per cent of salary.

Allowances for disability in performance of duty are granted any time and consist in addition to the annuity, of a pension of three fourths pay. Various safeguards are provided for the re-examination and restoration to service of retired men whose disability has ceased. In case of ordinary death the contributions of the employe with compound interest are refunded to the legal representatives of the deceased and

in addition a lump-sum benefit of one half of the year's salary is given. In case of death in performance of duty a pension of half pay is provided to the dependents in addition to a refund of the contributions of the deceased with compound interest.

The employe who resigns or is dismissed before retirement receives his contributions with interest. In addition the dismissed employe receives a refund of the employer's contributions figured as the present value of a pension, deferred to age 60, of $\frac{1}{10}$ of his salary for each year of his service. Various optional benefits which are offered in the best systems are allowed on retirement. The system is managed by the board of estimate and apportionment.

The employes contribute according to their group, sex and age, from about $3\frac{1}{2}$ per cent to about 6 per cent of salary. The city's contribution consists of several elements, each of which defrays a different benefit. It discharges all its liabilities, accrued as well as future, on a reserve basis.

5. *Milwaukee*

This system was established under an act of 1921. The act provided for the establishment of a general city system covering all the departments, but it made its establishment contingent on the approval by the common council of the city. For more than a year the council withheld its approval because of the great costs which the city would have to bear under the system. Finally, in 1922, it approved the application of the law to the policemen, but refused to apply it to the other groups of employes. Thus the act became only partly affective.

The law contemplates the establishment of four funds, three to cover the teachers, policemen and firemen and the fourth all others. Each fund is to be managed by a board composed of three representatives of the employes and two of the city; and a central commission is to supervise them all. Unlike in the Massachusetts and other systems, the employing body is to contribute a much greater share of cost than the employe and the contribution of the latter consists of several elements. For superannuation the employe is to contribute 3 per cent of his salary and the city 9 per cent in case of a policeman or fireman and 6 per cent in case of others. For annuities to widows in case of ordinary death the employe is to pay 1 per cent and the city $2\frac{1}{2}$ per cent and 2 per cent for the uniformed and ununiformed classes respectively. Ordinary dis-

ability is to be covered by a contribution of one-half per cent each from the employe and from the city, and administrative expenses by one eighth of a per cent from each. Disability and death in performance of duty and children's benefits are to be paid entirely by the city.

To summarize, men would contribute about 4.6 per cent and women 3.6 per cent while the city would pay 13.75 per cent for policemen and firemen, 9.75 per cent for other male employes and 7.50 per cent for women, in addition to accident and children's benefits, pensions granted under the old laws and contributions, at the rate of 9 and 6 per cent, for all prior years of service of its present employes, with compound interest. These past contributions, estimated at almost \$9,000,000, are to be raised by means of equal annual instalments during a period of 40 years. The obligation under the existing pension roll is also to be liquidated by means of equal annual instalments during the same period. It would appear that the total contributions of the city on account of all the items would exceed in the police and fire funds 20 per cent of the payroll during the initial period.

Retirement is allowed on superannuation at the age of 57 for policemen and firemen and at 65 for other employes, provided the employe has rendered 15 years of service; or before that time in case of ordinary or accidental disability. The benefits are as follows: In case of superannuation an annuity of such amount as the accumulations will provide; in case of ordinary disability (including sickness of more than 15 days' duration), an annuity of half pay but payable only for a short time, maximum one-fourth of the time of his total service and in no case more than five years, substituted thereafter by such annuity as the accumulations will provide; and in case of accidental disability an annuity of 55 per cent of the salary payable until superannuation, and substituted then by an annuity depending on the accumulations. While the annuity of 50 or 55 per cent is paid the employe and the city continue to contribute so as to swell his eventual accumulations.

The widow is to receive an annuity purchased by the combined contribution of 3 or $3\frac{1}{2}$ per cent. If the death occurs before retirement she is entitled to an additional annuity from the contributions of 6 or 9 per cent made by and on behalf of the employe for his regular retirement, provided that the total annuity does not exceed the one to which she could have been entitled

had he lived until regular retirement. In case of death in performance of duty the widow is to receive such an annuity as she would have received had her husband lived until regular retirement.

In case of resignation or dismissal the employe is entitled to his own contribution with interest, and if he has rendered 10 years of service or more and has left his contribution in the fund he receives also a credit for one-tenth fraction of the accumulation from the city's contributions for each year of service above 10 and is entitled at superannuation to an annuity on that basis. In other words an employe who rendered 20 years of service will preserve all his credits, although he has resigned or has been dismissed. All annuities are computed on the basis of the American Experience Table.

6. *Chicago.*

This system was established under an act of 1921 and is an outgrowth of the work of the Illinois Pension Laws Commission. It resembles in many of its features the Milwaukee system.

The fund established thereby covers all municipal employees except policemen, firemen and teachers. Each employee is to contribute $3\frac{1}{4}\%$ of his salary for superannuation, an additional 1% for widow's benefits and two assessments (equally apportioned among all members) the amounts of which may vary from year to year—one to cover one half of the cost of the ordinary disability benefits, the other to cover one half of the cost of administering the system. The total contribution of the employee will approximate 5%. But only that portion of salary is taken into account which is below \$3000.

The city is to pay $5\frac{3}{4}\%$ of salary for superannuation, $1\frac{3}{4}\%$ for widow's benefits, the same assessments for ordinary disability and administrative expense as the employees will pay, the total cost of benefits for disability and death caused in performance of duty and the total cost of children's annuities. The aggregate of these normal contributions will probably exceed 9% of the salaries. In addition, the city will pay whatever is necessary to make up a contribution of $8\frac{1}{4}\%$ of salary ($5\frac{3}{4}\%$ for superannuation and $2\frac{3}{4}\%$ for widow's benefits) for each year of prior service of each employee. It will pay this contribution not on the basis of the salary actually received by the employee during his past service, but on the basis of the salary received by him at the time of establishment of the system. Con-

sidering the large general increases of salaries which have been made in recent years (besides the ordinary individual advancement in salary) it seems likely that this contribution will yield to the employee perhaps twice as much as a similar contribution made on the basis of salaries actually received by him would have yielded. The city will also pay all pensions granted from the fund established under the act of 1911 and furthermore contribute enough to give every member who belonged to that fund credit in the new fund for all contributions paid by him to the former, with 4% compound interest.

From the accumulations built from these various contributions annuities will be paid to the employees on retirement after 55 years of age, except that the employees who have not reached the age of 60 receive the full benefit of the city's contribution only if they had 20 years of service to their credit. They lose one tenth of that credit for every year that their service falls short of twenty, thus receiving after 10 years of service or less only the benefit of their own accumulations.

A similar arrangement as to credit for the city's contributions is followed in case of resignation, dismissal or death before 55 years of age. If the resigning or dismissed employee does not withdraw his monies he can claim after reaching fifty-five years of age, if he had more than 10 years of service, an annuity not only from his own accumulations but also from $\frac{1}{10}$ of the city's accumulations for each year of service over ten, i. e. from the full amount if he served 20 years or more. And similarly in case of death, the widow is entitled to an annuity not only from the accumulations of the deceased but also from one tenth of the city's accumulations for every year of service of the deceased in excess of ten, i. e. from the full amount after a service of twenty years.

Ordinary disability benefits are paid at any time. First a temporary annuity is paid of half pay as in Milwaukee. It is paid from the special assessments mentioned above and continues for a maximum period of $\frac{1}{2}$ of the period of service of the employee and not for more than five years. None of the accumulations credited to the employee are used for this purpose. In fact the accumulations continue to grow, the same contributions being deducted from his annuity and the same contributions being made by the city as had been paid by the employee and by the city when he was in active service. If at the expiration of the period mentioned the employee

is still disabled, he receives the regular annuity from his and the city's accumulations instead of the half pay annuity the payment of which then ceases.

In case of disability in performance of duty and death in performance of duty the benefits are paid entirely at the expense of the city until the time the disabled reaches the age of 65 or, in case of death, until the time the deceased would have reached that age had he lived. They amount to 75 per cent of salary in case of disability and 60 % in case of death. While paying these benefits the city also pays each year to the fund for itself and for the employee the regular contribution so that the accumulations of the disabled or those for the widow of the deceased grow just as if he was still in active service and in the latter case, still alive. When the time mentioned is reached, this annuity ceases and instead the regular annuity from the accumulations standing to the credit of the employee or of the widow is paid to the disabled or the widow.

In addition to these benefits children under 18 years of age are paid annuities at the rate of \$10 a month, if the remaining parent is living, and \$20 a month if she, too, is dead, up to a certain maximum.

If the employee dies before retirement, his accumulations from his contributions are added to those made for the widow's benefit, and she receives a larger annuity but one not in excess of that which she would have received had he lived until 55 years of age and entered on annuity. If the employee has no wife at the time of retirement or on reaching the age of 65 he receives back all that was contributed by him for widow's purposes, with compound interest.

The benefit provisions of the system are quite complicated and there are many features and qualifications in it which cannot be mentioned here. All annuities are computed on the basis of the American Experience Mortality tables. In other words no difference of cost is recognized as between the benefits of men and women and the same annuities are paid to both for every dollar of accumulation.

The old fund established under the act of 1911 is merged in the new. The city is to contribute each year \$600,000 to pay the prior service annuities and the pensions granted under the old act and the other items which constitute the accrued liabilities of the system. This contribution is to cease when the assets accumulated therefrom are equal to the prior service liabilities.

7. *San Francisco.*

As the cities of California enjoy broad powers of home rule, the Legislative procedure establishing this system was very different from that which brought the other systems here described into existence. A committee of two men, appointed by the Mayor in 1920 drafted an amendment to the City charter providing for the establishment of a sound retirement system for the employees not covered by any pension provision, outlining briefly the fundamentals of the plan and creating an administrative board whose duty it would be to secure the necessary actuarial and other technical advice and to evolve the details of the system. After approval by the Board of Supervisors the amendment was submitted to a referendum of the voters and ratified by them and was presented to the Legislature which enacted it in January 1921. Then the Administrative Board was organized, an actuarial investigation undertaken and detailed provision of the systems were evolved. These were then submitted to the Board of Supervisors which enacted them as a city ordinance on February 6, 1922.

The system covers all employees of the city and county except policemen, firemen and teachers. Membership in the system is compulsory for present employees as well as new entrants. The plan has been drawn very closely along the lines of the system for the New York City employees. Retirement is to take place on superannuation at the age of 62, or in case of completion of 36 years of service, at the age of 60. Disability retirements are allowed any time after 20 years of service.

The employee is to receive on retirement on superannuation an annuity from his accumulations, a pension equal to the annuity and an additional pension of $1\frac{1}{3}\%$ of salary for each year of prior service. The rates of contributions are so fixed that in case of average advancement of salary and retirement at age 62, the annuity and regular pension should each be one half of the following salary fractions: $1\frac{1}{3}\%$ for each year of service for men and about $1\frac{1}{4}\%$ (1.72%) for women. In other words a man in the instance

mentioned would obtain a retirement allowance of about half pay after $37\frac{1}{2}$ years of service, whereas a woman would obtain it after about 43 years of service.

This disability allowance is the same as that of the New York City system, except for a difference in the salary fraction which is $1\frac{1}{4}\%$ here.

The employee's accumulations are returned at resignation, dismissal or death and an additional death benefit is provided of one half of last year's salary in a lump sum. The usual options are allowed.

The contributions of the employees and the city are graduated according to age in such a way as to accumulate in case of average advancement, reserves to age 62 that would provide the annuities and pensions of the rate mentioned. The contributions range from 2.87% at age 20 to 6.37% at age 70, for men and from 2.94% to 6.31% in case of women. While there is therefore only a slight difference between the contributions of the men and women there is great difference as already stated between their benefits.

The city is to match with its normal contributions every contribution of the employee. In other words the city's contribution is not reduced as it is in the other systems by the fact of lapses of the city's contributions at withdrawals and deaths. The portion of the city's accumulation which is left over in the fund, when an employee withdraws from the fund or dies, is applied to the liquidation of the prior service liability and other liabilities of the system. In addition the city is to contribute on account of prior service at least \$150,000 annually or as much more as may be necessary to cover the prior service payments of the year, until the reserves in the fund equal the value of all subsequent payments from the fund.

The system is to be administered by the Board of Administration which is composed of the Chairman of the Finance Committee of the Board of Supervisors, the Auditor, three members, elected by the membership of the system, and two citizens appointed by the Mayor, one to be an insurance official and one a bank officer.

CHAPTER VIII

SOUND PENSION BILLS ABOUT TO BECOME LAWS

Several sound pension projects incorporated in bill form are pending in various states. Three of these have met with such favorable response in the Legislatures of their respective states that their enactment seems very likely. These are the bills applying to Boston, the municipalities and counties of New York (New York City, excepted) and the city of Providence. Three other bills—those of New Jersey and Illinois municipalities and the city of Yonkers—for some reason or other were less fortunate and failed to progress very far, and one act,—that applying to Minneapolis, though a law has not been taken advantage of and still belongs to the realm of projects. Interesting as these four pension plans are, it is impossible because of lack of space to discuss them here. The reader is referred for their study to the official reports of New Jersey, Illinois and Yonkers and the Minnesota Act of 1919. The three bills, however, which are likely to be enacted will be described.

8. *Boston.*

The Boston Finance Commission framed a bill in 1921 intended to establish a sound retirement system for the employees not yet covered by any pension law and gradually extend to the entire city service. It passed both houses of the Legislature but met with a hitch before the Governor which caused it to be laid over for another year. It will probably be enacted in the session of 1922.

The system will cover (1) the clerks and other employees who have not been covered hitherto by any pension law (2) all new entrants in the police and fire departments and among the laborers and teachers and (3) such present employees in the latter departments and groups as choose to renounce the systems under which they are now covered and come into the new system. Membership is optional for present employees to

the extent that any clerk who does not want to join may stay away by filing a notification that he does not want to become a member and any employee covered by another pension act may if he wishes to change to this system under conditions described. For all new entrants membership is compulsory.

Retirement is permitted anytime after reaching the age of sixty years or in case of disability before, a minimum of ten years of service, however, being required in case of ordinary disability. The members are to contribute 4 per cent of their salary which is to provide an annuity in accordance with the tables of mortality which have been prepared for the various occupational groups. The city is to provide a pension of an equivalent amount and also to make up with compound interest the contributions on its own account as well as on behalf of the employee for all years of prior service at the rate of 4 per cent of salary received by the employee in the past and provide an additional pension from accumulations thus obtained. The total pension part is not to exceed in any case half pay. For cases of ordinary disability the pension part is to be increased to such an amount as would have been provided had the employee continued at the same salary in the service until the age of sixty. Liberal accidental disability and accidental death benefits are provided and the contributions of the employees together with interest at 4% are to be refunded in cases of resignation, dismissal or ordinary death. The same options as in other systems are offered. The system is to operate on a full reserve basis with the accrued liabilities to be discharged in the course of about 25 years. The obstacle that arose in 1921 was caused by the objections of the Police Commissioner who demanded that the policemen be altogether excluded from the operation of the system. The Governor sent a word to the Legislature requesting it to reconsider the measure and eliminate the policemen but the sponsors of the measure felt that to exclude the latter would be a mistake. Before an agreement could have been obtained, the session ended.

This year (1922) the bill is again before the Legislature. It includes the policemen as it did the year before and it also includes the teachers

whom the authors of the measure did not include in 1921. The school committee and a large portion of the teachers, mainly the men and higher paid group for whom the present system is entirely inadequate, urged upon the Finance Commission the inclusion of the teachers.

The city will pay a normal contribution which will supply the pensions equal to the annuity and which discounting the lapses, will range from 1.65% salary in case of the laborers to 5.03% in case of the firemen. It will also pay an accumulated liability contribution (for prior service) about twenty-five years, ranging between $3\frac{1}{2}$ and 6 per cent of the payroll; and it will pay the accidental pensions and administrative expenses.

9. *Municipalities and Counties of New York State.*

A bill passed by the New York Legislature of 1922 (Draper's A. 1912) and likely to become a law, provides a unified state system for the retirement of county and municipal employees other than those of New York City and those already covered by local pension funds. Under this act the employees of any county or municipality whose legislative body accepts the act, who are not covered by any existing pension fund, become subject to the provisions of the state employees' retirement system.

Membership is optional for all present employees and compulsory for all new entrants. The system would operate with respect to municipalities and counties in a way similar to that in which the state teachers retirement system operates in relation to the local school systems. Each municipality or county participating in the fund would transmit to it its contribution (the amount of which will be determined by actuaries on a prorata basis) as between the various local units and the contributions of its employees and when its employees retire their retirement allowances will be paid from this fund. The benefits and other provisions for these employees will be the same as those which obtain for state employees. The act furthermore forbids in a sweeping way the establishment of any further county or municipal pension systems.

If this act becomes a law, it will be the most far reaching undertaking ever made in the history of pension legislation in this country and one worthy of serious study in every state concerned with the problem of municipal pensions,

for it affords the most radical solution of this problem.

10. *Providence.*

After a comprehensive study extending over a period of about two years, the Pension Committee of Providence prepared a bill and introduced in the Legislature in 1922 providing for the establishment of a retirement system covering all the employees of the city. The bill is favored by all concerned except by the policemen and firemen. If it is defeated this year, it will come for passage next year. Under the provisions of this bill retirement is to be granted for policemen and firemen at the age of 58 and for other employees at the age of sixty. The retirement from the city is to equal approximately $1\frac{1}{4}$ % of the average salary of last 10 years multiplied by the number of years of service with the exception that only one half of the prior service is to be taken into account. The pension part of the allowance is fixed at $\frac{2}{3}$ of 1% of the salary for each year of creditable service. In case of disability after 10 years of service, a retirement allowance is granted at the rate of $\frac{9}{10}$ of the superannuation rate with a provision that where the service is less than fifteen years long at least 15 fractions at that rate will be granted, or the allowance will be brought to the regular retirement age. Disability caused in performance of duty is compensated by a pension of $\frac{2}{3}$ of the wage plus the annuity provided by the employee's own contributions, while death in performance of duty is compensated by a pension of half pay in addition to the employee's own contributions with interest. At resignation, dismissal or ordinary death the contributions of the employee are refunded with interest. Present employees who do not wish to be members may file a statement and be freed from membership in the system. All new entrants and those present employees who have not filed this statement automatically become members.

The contribution of the employees range according to entrance age (and occupation) between about 3% of salary and about 6%. The city will contribute a normal contribution of about 2.7% of the pay roll and a deficiency contribution to liquidate the accrued liabilities of about 2.5% of the pay roll annually or an aggregate of about $5\frac{1}{4}$ per cent subject to such readjustment as may be found necessary from time to time after actuarial valuation.

Appendix—Actuarial Tables

TABLE 1. COMPOUND INTEREST

The amount accumulated by a deposit of \$1.00 paid at the beginning of each year at 4 % interest after a certain number of years.

| <i>Year</i> | <i>Amount</i> | <i>Year</i> | <i>Amount</i> |
|-------------|---------------|-------------|---------------|
| 1..... | \$1.0400 | 26..... | \$46.0842 |
| 2..... | 2.1216 | 27..... | 48.9676 |
| 3..... | 3.2465 | 28..... | 51.9663 |
| 4..... | 4.4163 | 29..... | 55.0849 |
| 5..... | 5.6330 | 30..... | 58.3283 |
| 6..... | 6.8983 | 31..... | 61.7015 |
| 7..... | 8.2142 | 32..... | 65.2095 |
| 8..... | 9.5828 | 33..... | 68.8579 |
| 9..... | 11.0061 | 34..... | 72.5522 |
| 10..... | 12.4864 | 35..... | 76.5983 |
| 11..... | 14.0258 | 36..... | 80.7022 |
| 12..... | 15.6258 | 37..... | 84.9703 |
| 13..... | 17.2919 | 38..... | 89.4091 |
| 14..... | 19.0236 | 39..... | 94.0255 |
| 15..... | 20.8245 | 40..... | 98.8265 |
| 16..... | 22.6975 | 41..... | 103.8196 |
| 17..... | 24.6454 | 42..... | 109.0124 |
| 18..... | 26.6712 | 43..... | 114.4129 |
| 19..... | 28.7781 | 44..... | 120.0294 |
| 20..... | 30.9692 | 45..... | 125.8706 |
| 21..... | 33.2480 | 46..... | 131.9454 |
| 22..... | 35.6179 | 47..... | 138.2632 |
| 23..... | 38.0826 | 48..... | 144.8337 |
| 24..... | 40.6459 | 49..... | 151.6671 |
| 25..... | 43.3117 | 50..... | 158.7738 |

TABLE 2. ANNUITY VALUES ON THE BASIS OF THE NEW YORK CITY EXPERIENCE

(Price of an annuity of \$1. at various ages of retirement)

| <i>Age</i> | <i>Policemen</i> | <i>Firemen</i> | <i>Clerks</i> | <i>Laborers</i> | <i>Mechanics</i> | <i>Men Teachers</i> | <i>Women Teachers</i> |
|------------|------------------|----------------|---------------|-----------------|------------------|---------------------|-----------------------|
| 55..... | \$9.99 | \$10.19 | \$11.91 | \$11.81 | \$11.88 | \$10.23 | \$12.83 |
| 56..... | 9.81 | 9.92 | 11.62 | 11.48 | 11.57 | 10.05 | 12.56 |
| 57..... | 9.62 | 9.68 | 11.31 | 11.15 | 11.25 | 9.86 | 12.28 |
| 58..... | 9.43 | 9.44 | 11.01 | 10.82 | 10.93 | 9.66 | 11.99 |
| 59..... | 9.22 | 9.23 | 10.70 | 10.49 | 10.61 | 9.45 | 11.70 |
| 60..... | 9.01 | 9.02 | 10.38 | 10.15 | 10.29 | 9.23 | 11.39 |
| 61..... | 8.79 | 8.81 | 10.07 | 9.81 | 9.97 | 9.01 | 11.08 |
| 62..... | 8.55 | 8.61 | 9.75 | 9.47 | 9.64 | 8.77 | 10.76 |
| 63..... | 8.31 | 8.40 | 9.44 | 9.13 | 9.32 | 8.54 | 10.43 |
| 64..... | 8.06 | 8.19 | 9.12 | 8.79 | 8.99 | 8.29 | 10.10 |
| 65..... | 7.80 | 7.98 | 8.80 | 8.45 | 8.67 | 8.04 | 9.76 |
| 66..... | 7.52 | 7.75 | 8.49 | 8.12 | 7.34 | 7.79 | 9.42 |
| 67..... | 7.24 | 7.51 | 8.17 | 7.78 | 8.02 | 7.54 | 9.08 |
| 68..... | 6.95 | 7.27 | 7.86 | 7.45 | 7.70 | 7.28 | 8.73 |
| 69..... | 6.66 | 7.01 | 7.55 | 7.13 | 7.38 | 7.02 | 8.39 |
| 70..... | 6.36 | 6.74 | 7.24 | 6.81 | 7.07 | 6.76 | 8.04 |

TABLE 3. EXPECTATION OF LIFE ON THE BASIS OF NEW YORK CITY EXPERIENCE

(Number of Years Employees Retiring at a Certain Age Would on the Average Live Thereafter)

| <i>Age</i> | <i>Policemen</i> | <i>Firemen</i> | <i>Clerks</i> | <i>Laborers</i> | <i>Mechanics</i> | <i>Men Teachers</i> | <i>Women Teachers</i> |
|------------|------------------|----------------|---------------|-----------------|------------------|---------------------|-----------------------|
| 55..... | 14.24 | 14.60 | 17.79 | 17.40 | 17.64 | 14.76 | 19.78 |
| 56..... | 13.86 | 14.09 | 17.14 | 16.72 | 16.98 | 14.37 | 19.13 |
| 57..... | 13.47 | 13.61 | 16.50 | 16.05 | 16.33 | 13.96 | 18.49 |
| 58..... | 13.07 | 13.16 | 15.88 | 15.39 | 15.68 | 13.55 | 17.84 |
| 59..... | 12.67 | 12.74 | 15.26 | 14.74 | 15.05 | 13.13 | 17.20 |
| 60..... | 12.25 | 12.33 | 14.65 | 14.10 | 14.43 | 12.70 | 16.55 |
| 61..... | 11.83 | 11.94 | 14.05 | 13.47 | 13.82 | 12.28 | 15.91 |
| 62..... | 11.41 | 11.56 | 13.46 | 12.86 | 13.22 | 11.84 | 15.27 |
| 63..... | 10.97 | 11.17 | 12.88 | 12.26 | 12.63 | 11.41 | 14.64 |
| 64..... | 10.53 | 10.79 | 12.31 | 11.67 | 12.06 | 10.98 | 14.01 |
| 65..... | 10.09 | 10.40 | 11.76 | 11.10 | 11.50 | 10.55 | 13.38 |
| 66..... | 9.64 | 10.00 | 11.22 | 10.54 | 10.95 | 10.12 | 12.77 |
| 67..... | 9.18 | 9.60 | 10.69 | 10.00 | 10.42 | 9.70 | 12.16 |
| 68..... | 8.73 | 9.19 | 10.17 | 9.47 | 9.90 | 9.28 | 11.57 |
| 69..... | 8.28 | 8.77 | 9.67 | 8.97 | 9.39 | 8.86 | 10.99 |
| 70..... | 7.83 | 8.35 | 9.18 | 8.48 | 8.90 | 8.45 | 10.43 |

TABLE 4. EXPECTATION OF LIFE AND ANNUITY VALUES ON THE BASIS OF THE AMERICAN EXPERIENCE MORTALITY TABLE
(For Men and Women Alike)

| <i>Age</i> | <i>Expectation of Life</i> | <i>Annuity Values</i> |
|------------|----------------------------|-----------------------|
| 55..... | 17.40 | ..... |
| 56..... | 16.72 | ..... |
| 57..... | 16.05 | ..... |
| 58..... | 15.39 | ..... |
| 59..... | 14.74 | ..... |
| 60..... | 14.10 | \$10.66 |
| 61..... | 13.47 | 10.29 |
| 62..... | 12.86 | 9.93 |
| 63..... | 12.26 | 9.57 |
| 64..... | 11.67 | 9.20 |
| 65..... | 11.10 | 8.84 |
| 66..... | 10.54 | 8.49 |
| 67..... | 10.00 | 8.14 |
| 68..... | 9.47 | 7.79 |
| 69..... | 8.97 | 7.44 |
| 70..... | 8.48 | 7.10 |

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VIEWS AND REVIEWS

Turn in the direction of Harvard and make a bow to a rare reformer! His name is Lewis Jerome Johnson and his hobby has been for some ten years the preferential ballot.

When he began, somewhere back of 1914, he showed originality by not founding a Preferential Ballot League, but contenting himself with accepting invitations to speak and using the mails at his own expense. He pointed out the undeniable advantage of counting second-choice votes—saving the expense and effort of the primary election which then appeared in most commission government charters, automatically reuniting split majorities against compact machine-disciplined minorities, etc. The device was adopted in Grand Junction, Col., and Professor Johnson industriously brought the idea to the attention of charter commissions elsewhere until it was in effect in upwards of a hundred cities and towns, the largest being Cleveland.

But he never advanced it as a complete solution of governmental ills. I recall my astonishment when after speaking forcefully for it at a meeting in Washington, he said to me—"Your short ballot is one reform that I recognize as more important than mine!" Such a concession was not typical of political propagandists in general!

Three or four years ago things began

to quiet down on this subject and the device could be called "the pestilential ballot" without provoking a rejoinder from Cambridge. Professor Johnson still answered inquiries and continued to act as the clearing house for our League and everybody else on this movement but he did no more pushing. To a recent inquirer he explains:

I believe the time has now come when the only form of city administration that should interest progressives is the proportional representation city-manager plan. The old commission government, with its effort to place the city government in the hands of a council representative only of the majority, indicated, as the doctors would say, the preferential ballot. That plan must now give way, in my judgment, to a still better thing, the P. R. city-manager plan, such as has been adopted in Ashtabula, Boulder, Sacramento, and Cleveland. With the Hare system in use for the choice of city councils, I believe that it is inexpedient to try to develop further or to extend, even for election of single officials, any other system.

Moderation, self-effacement and open-mindedness again! (An example that might be observed profitably by the other and more common type, *e.g.*, the prominent enthusiast who assured the civil service reform convention a year ago that all other reforms were superfluous and that by the merit system, alone and all-sufficient, could we reach salvation; therefore would we

"fools" please drop all our other projects of reform as useless distractions?)

✱

Professor Johnson's reasoning is good. So also was his reasoning when he started the preferential ballot movement. No one could have foreseen then how soon the city-manager movement would become important, and proportional representation seemed even more remote. Even considered as an intermediate reform, a palliative of certain evils of the election of single officials by majority vote, the preferential ballot seemed to have scope for a long and useful career. Our model charter included it as an option and we expected many more cities to take interest in it than in proportional representation during the current decade at least. And now, so swiftly have we moved in these matters that we have leap-frogged over preferential ballot clear to proportional representation within ten years and our model charter with its most advanced options is a reality in enough cities to ensure its permanence and growth.

The preferential ballot agitation was useful in clearing the path for "P. R." It disclosed some of the possibilities of second-choice voting, broke down the universal assumption that the majority system was the only possible one and upset by ample experience the fear that voters could not understand such voting directions. But for such breaking of the ground, the Proportional Representation League might still be in the outer darkness of untried theory propounding a quaint mathematical contraption with too many elements of novelty to command serious consideration!

✱

How complete is the rapid triumph of zoning is revealed by the experience of New York City, the first city to enact a comprehensive ordinance of

this character. In the five years that the ordinance has been in effect here, 158 applications for changes in the ordinance have been granted and 134 denied. In 1916 these pleas were entirely for the purpose of relaxing the restrictions, then came an increasing number of applications to extend or stiffen the restrictions, those which were granted in 1917 numbering 19 per cent of those that relaxed. In 1918 it was 30 per cent, in 1919, 54 per cent, in 1920, 125 per cent and in 1921, 153 per cent. In other words property owners now prefer to be restricted and have learned to prize the stability of value that real estate gains when protected from unneighborly invasions by industry. As the zoning ordinance was one of the achievements of the Mitchel administration and indeed its leading contribution to the art of municipal administration, Tammany sought to take advantage of such opposition as existed to the ordinance by denouncing it in its 1917 platform. The Hylan administration neglected it, but it grew stronger with time and was not tampered with during the next four years nor mentioned in the platform of 1921.

✱

Our growing list of pamphlets advertised elsewhere in this issue is assuming the proportions of a considerable library. There are now about twenty titles. Several have run through two or three editions and "The Story of the City-Manager Plan" is in its sixtieth thousand. Our ability so often to supply in handy and authoritative form exactly the information that is demanded, brings in an increasing volume of inquiries—upwards of six hundred a month at the present time—and when they fall outside our printed material, as of course they often do since they range the whole field of public affairs, we answer by letter elaborately and carefully, often sponging on

our always obliging neighbor, the Bureau of Municipal Research for facts outside our experience or clipping files, and sometimes searching the municipal reference library or sending out letters to experts in numerous quarters for help. At any rate every serious inquirer gets his answer and incidentally we educate ourselves. Whenever an item in our clipping service indicates a "prospect," he receives one or another of numerous form letters exhibiting our stock, and the dimes and quarters that flow back sustain the endeavor. So likewise do we make the inquiries from high school debaters and civics teachers pay their way. Pamphlets are often sent free where they seem especially likely to do good, especially to officials and official commissions, and occasionally we circularize a whole legislature.

All told it constitutes an important central service.



Eventually we hope to develop pamphlets, either monographs by specialists or committee reports, on every subject in our field. Our typical

"Technical Pamphlet" undertakes to tell the whole story of one reform proposal, the need for it, the advantages of it, all the trials of it and their working and the ideals to which it should measure up, for the person who really wants to know regardless of the dullness that may be inherent in the subject. Such a pamphlet was our last issue on "Public Pensions." Our average member had no longing to read it and no probable use for the information, but distributing it as a special issue of the REVIEW was the only way to make its existence widely known to people who did want it badly and who recognized it as the first printed collection of complete data on the most vexatious subject in public administration.

Our pamphlets in the Pocket Civics Series are more popular and are intended to catch the interest of people who are not looking up the subject but who ought to know, *e.g.*, the pamphlet "Ramshackle County Government" (out of print just now) which seeks to make people realize that there is such a thing as a vast and difficult county government problem.

RICHARD S. CHILDS.

THE ST. LOUIS MUNICIPAL OUTDOOR THEATRE

BY M. GENEVIEVE TIERNEY

Secretary of the St. Louis Pageant Drama Association

I

IN July, 1913, a group of public-spirited St. Louisans organized the St. Louis Pageant Drama Association for the purpose of encouraging the production of performances for the entertainment and education of our citizens and to create and promote public sentiment for a civic theatre. The time was opportune in view of the fact that the 150th anniversary of the city's founding occurred in 1914 and it was decided to commemorate this event with a production that would at once challenge the attention of the country and leave our city a heritage for future inspiration.

The St. Louis Pageant and Masque of 1914, the former a drama by Thomas Wood Stevens portraying our city's history, and the latter a symbolic poem prophesying its future by Percy MacKaye, was the result. This superb production, after a year of preparation, was produced in the natural amphitheatre on Art Hill, in the heart of Forest Park, and its unforgettable loveliness will linger as long as life in the memory of all who saw it. So far-reaching and fundamental was the purpose underlying it, that every element of our social fabric was eventually drawn into the current, and it marked an epoch in the civic and artistic life of our city, of which co-ordination of civic effort was the keynote; 7,500 citizen-actors participated in the production and the spectacle was witnessed by 400,000 people, the largest audience

ever assembled to view a dramatic production.

In the discussion of entertainment for the masses one frequently hears the statement that producers must give the public what they want, the general inference being that too high-typed a production is over the head of the crowd. The Pageant Drama Association, being inexperienced producers, reversed this rather generally accepted theory with a firm conviction that art and beauty are universal in their appeal, and for once producers gave no consideration to any commercial phase of the production, concentrating entirely on the esthetically constructive principles of dramatic art.

Certainly no audience was ever more democratic. In size it has never been equalled and in appreciation it has never been excelled, and so far as St. Louis audiences are concerned, it corrected any impression to the contrary that may have existed in certain channels as to the type of entertainment to which the masses respond. It is significant that with a complete indifference to box office results and a seating capacity of 50,000, one-half of which was free to the public, the Association realized a surplus of \$17,125.

Thus was public sentiment created and crystallized for a civic theatre—and now for the realization.

II

When the Association decided to commemorate the tercentennial of

Shakespeare's death, it was felt no better way could be devised than to produce one of his plays, adapted to the outdoors, in some natural setting more intimate than the big Pageant site on Art Hill, since it would have been impossible to have heard the players in the big auditorium.

After deciding on the play, Miss Margaret Anglin was asked to produce it, and invited to come to St. Louis to look over a number of available sites. Miss Anglin arrived on a cold, raw November Sunday and, accompanied by Mr. John H. Gundlach, President of the Association, Mr. W. W. LaBeaume and Mr. Lambert E. Walther, made a tour of Forest Park, visiting various sites that looked promising. The Municipal Theatre site was the last visited and, while the choice of the committee, the committee was nevertheless very anxious to learn what Miss Anglin thought of it. Her reaction was immediate and enthusiastic, and after testing the acoustics from every angle, the availability of the site for varied productions having been carefully considered and a minute study of transportation facilities having previously been made, it was selected as the proper site.

The artistic success of the performance surpassed all expectations—the audience was enthralled by the unrivalled beauty of the production and was quick to realize that no small part of the excellence of the production was due to the enchanting beauty of the stage and auditorium and Miss Anglin's intelligent treatment of the natural loveliness of the stage.

In the "As You Like It" performance, as in the Pageant and Masque, the Association emphasized community participation in the performances. Hundreds of our people took part in the prologue of Elizabethan dances, directed by Mr. Cecil Sharp of London.

III

Having faith in the great educational value of the theatre to our people and in the belief that St. Louis should maintain its leadership in the community play, the Association as the conclusion of the "As You Like It" performance presented the stage and its accessories to the city with the request that funds be provided to make the site a permanent outdoor theatre for the use of the people.

The following year the city placed the theatre on a permanent basis, building a stage and concrete auditorium, and erecting at the entrance an ornamental colonnade.

The Municipal Theatre is situated in St. Louis's largest park—Forest Park, on a wooded hill overlooking the River des Peres, the slope of which is admirably adapted to the seating arrangement. Experts have generally agreed that there is no lovelier environment for an outdoor theatre in the world.

The auditorium, which is entirely surrounded by trees, has a depth of 256 feet, an average width of 225 feet and a total seating capacity of 9,270. It is constructed of reinforced concrete—portable chairs being used for seats. The exits are so arranged that the theatre can be emptied in from ten to twenty minutes. Everyone in the audience has an unobstructed view of the stage, the acoustics being such that the voices of the performers carry satisfactorily to every part of the auditorium.

The stage is built upon the banks of the River des Peres, in the midst of a dense shrubbery. Two majestic oaks, about seventy feet high, form a proscenium arch in the foreground. Between the stage and the audience is an orchestra pit, 10 to 18 feet wide, which will accommodate an orchestra of 150. The difference in the elevation of this

pit and that of the farthest row of seats in the auditorium is 53 feet. The stage has a total width of 120 feet and is 90 feet deep, connecting to a bridge leading across the little river to the dressing rooms, all permanent buildings, hidden in the shrubbery. The bridge is so located that it may be effectively used in connection with the stage. The lighting is by electricity, both large search-lights and smaller lights being used, and the artistry of the lighting effects is unsurpassingly beautiful.

The theatre is at the disposal of the people of St. Louis for civic entertainments of all kinds, but may not be used at any time for the purpose of obtaining revenue. All funds derived through the use of the theatre must be expended in improving the theatre—installing complete lighting devices, concrete ornamentation and comforts for the audience.

IV

Since the completion in 1916, the Municipal Theatre has been used on more than 195 occasions, the character of the performances given consisting of grand opera, choral concerts, dramatic productions, playground festivals, Greek games, and a now permanent mid-summer season of light opera and a permanent late summer fashion show of fall styles.

It is interesting to note that the Municipal Theatre is not "municipal" in the same sense as are the Art Museum, the Public Library or the Zoölogical Gardens, all of which are supported by taxation. While our parks are maintained from the general municipal revenue and the Municipal Theatre is in our largest park, the theatre is supported by fees derived from the Opera and Fashion Show, to which admission is charged, it being stipulated that 1,600 free seats be provided for the public at all performances. With these exceptions the theatre is at the disposal of the public, free of charge, under the regulation of the Department of Parks and Recreation.

The Municipal Theatre is a triumph of community effort and is now an accepted factor in the recreational life of our people. Through its policy of community participation and free admissions, it has awakened an interest in music, dancing, singing, designing and kindred elements of histrionic art that make for the ultimate realization of the goal of its founders—the democratization of art. Its founders have fostered the idea that much of the value of the theatre will be nullified unless our people are drawn into the performances and free admission provided so every citizen may have the cultural advantages he has helped to create.

EMERGENCY ZONING IN SYRACUSE

BY F. G. CRAWFORD

Syracuse University

THE common council of the city of Syracuse, New York, adopted on January 30, 1922, an ordinance providing for a comprehensive zoning plan. For ten years property had been protected by special ordinances until the city was a network of special zones, secured from time to time by the residents of certain streets.

In the case of *Hayden vs. Clary*, which involved the building of a drug store in a restricted block, Justice Irving R. Devendorf handed down a decision declaring such ordinances illegal and void, and asserted that property development should not be restricted except by a comprehensive zoning system applying to the entire city. Notwithstanding this decision, the city council, two days later, passed additional restrictive ordinances. The bureau of buildings was at once flooded with applications for permits to construct stores in districts that had been protected for years by special ordinances. The superintendent of building, on the advice of the corporation council, held up all such permits, and the citizens organized to demand the passage of a comprehensive zoning ordinance. The city-planning commission had had under way such a plan, which was completed and submitted to the council on January 30. In the meantime injunctions had been secured by irate property owners to prevent the issuance of permits, and damage actions were begun on the basis of these injunctions. Public opinion was aroused to a high pitch, for the objection of one of the nineteen aldermen would hold over the ordinance until February 6, and in that

week permits might be issued. Party lines were swept aside and a tremendous force of public opinion centered behind the proposition, broke down opposition and the ordinance was passed.

This law provides for five zones as follows:

First:

Class A. One- and two-family dwellings, colleges, schools, convents, churches, and fire stations with every structure twenty feet from the street line and with only 60 per cent of the lot utilized for the building.

Class B. Apartment and multiple dwellings, fraternity and sorority houses, clubs, hospitals and sanitariums.

Second: Commercial and local business buildings.

Third: Strictly commercial business and light manufacturing.

Fourth: Industrial manufacturing.

Fifth: Unclassified.

Under the ordinance the city-planning commission will hereafter exercise complete control over all building activity in Syracuse. Amendment will be made by two-thirds vote of the council upon recommendation of the commission. Nothing in the plan affects buildings in existence or prevents replacements, provided the replacement does not exceed 50 per cent of the assessed valuation. Buildings in existence in zones where they do not belong can be altered or repaired if the cost does not exceed 30 per cent of the assessed valuation. Syracuse has taken a step forward which was necessary and vital to her future.

THE CORONERS AGAIN

BY LENT D. UPSON

Detroit Bureau of Governmental Research, Inc.

Coroners in partnership with undertakers, unnecessary and misleading inquests and neglect of duty featured the administration of many coroners. Why is it so hard to do anything about it? :: ::

THIS is a story of that ancient and honorable office of the coroner, of some fumbling efforts at abolishing it, and of how poorly they succeeded. It is set down only as a recital of errors that may guide some future adventurer in county reform.

Not a great many years ago, two Wayne County coroners were sent to prison because of official misconduct, much against the peace and dignity of the people of Michigan. Before and since that time there have been reoccurring allegations to the effect that certain coroners were silent partners in undertaking firms, which firms profited measurably through these connections; that the coroners did not always view the bodies of deceased persons, but left this task to non-medical subordinates; that the property of deceased persons did not always reach the heirs or the state; that frequently inquests were unnecessarily held for the jury fees involved; and that inquests in criminal cases frequently prejudiced the trial of offenders by the prosecutor. By no means have all coroners' administrations been bad, but the good have been consistently tarred by the vicious.

MEDICAL EXAMINER RECOMMENDED

In 1920 the board of county auditors invited the Detroit Bureau of Governmental Research to make a study of the coroner's office and suggest reme-

dies for generally accepted evils rather than prove charges against individuals. The bureau spent some months studying the local office, and the procedures in Massachusetts, New York, and elsewhere.

The bureau finally reached these conclusions:

1. That responsibility for the office should be located in a single appointed official with a legal-medical training.
2. That immediate subordinates should be medically trained.
3. That the office should determine the cause of death, but not the responsibility for it, turning available evidence over to the police and prosecutor.
4. That the office of public administrator should be created to handle the estates of unknown deceased persons.

The present generation will grant the merits of a single appointive officer for this position with thoroughly trained subordinates. The two elective coroners of Wayne County are an inheritance of the time when a large county had poor methods of transportation and these officers actually functioned outside of the city of Detroit, instead of leaving the county jobs largely to the justices of the peace.

It is believed that selection by appointment is the only means of ending connivance with undertaking establishments in the disposal of bodies, or which at least would provide an avenue of protest to the appointing authority. Out of 1,700 cases reported to the coro-

ner's office during the period checked, 87 went to one undertaker, or about twice the number of the nearest competitor. Of greater significance is the fact that all but 6 of the 87 cases were reported by other than the family concerned,—*i.e.*, were cases susceptible to "recommendation."

CORONER SHOULD NOT HAVE INQUEST POWERS

The more important recommendation was that of removing inquest powers from the coroner's office. One Wayne County prosecutor had stated: "The entire theory of the operation of the coroner's inquest is directly opposed to the theory on which criminal prosecutions are conducted, and in practice the testimony given by witnesses at a coroner's case interferes with the obtaining of proper justice at trials months afterwards."

Massachusetts, New Jersey, New York City, and Maryland have supplanted the coroner by a physician trained in medico-legal jurisprudence. To this medical examiner has been delegated the power to investigate all coroner cases as to the cause of death, but without power to fix responsibility. This report of the medical examiner is filed with the prosecutor, with all the facts determined by scientific investigation. If the report indicates that the death was caused by other than natural causes, the police and prosecuting attorney assume the duty of fixing the responsibility. The bureau believes that this is a correct procedure in spite of isolated cases where exoneration by a coroners' jury has certain advantages.

As an alternative to the medical examiner proposal there was a temptation to suggest that the entire function of the office be turned over to the health authorities of the cities and county. Of coroners' cases investi-

gated, 68 per cent were medical, 23 per cent were accidental and 9 per cent were by acts of violence. Further, it appeared that inquests were held in about 5 per cent of the cases so investigated, and in less than 1 per cent of all cases was any criminal act involved. The police and the prosecutor were independently investigating these deaths without regard to the coroner. In fact, public officials recalled no single instance in which the coroners had actually unearthed a crime. Could not the health authorities have issued death certificates equally well? Such a proposal appeared too far-reaching for the moment.

The proposal of a public administrator was advanced by the coroners themselves and was being urged by the governor. Such a measure was passed by the legislature, and should insure the estates of unknown deceased persons going intact to the state, and not being squandered in fancy funerals and undertakers' fees.

COMPROMISE MEASURE PASSED

The bureau prepared a report and drafted a tentative act providing for an appointive medical examiner; the coroners proposed a compromise bill of their own; and the Detroit Citizens' League was in the legislature urging an amendment to the constitution providing for home rule for counties, which, if successful, would have permitted a local revamping of the coroner's office. This last measure was of highest importance, and too much dabbling in other county reforms at the legislature would have meant its certain defeat.

However, the coroner's office was in substantial agreement with the bureau on a number of proposals to modify the procedure. The bureau therefore agreed to a bill drafted by the prosecutor which provided for the abolition of

the inquest except upon request of the prosecutor, and for minor amendments in procedure. The coroners were willing that one of their number should be known as a presiding coroner, and be ostensibly in charge of the work, but would not stand for the abolition of the dual office. The bureau reserved the right to make a plea before the legislative committee to substitute an appointive officer for the two elective ones. With the county home rule bill in constant jeopardy (and it later lost its life before the legislature) it was not

opportune to make a fight on this point or for a genuine revision of the coroner's office. The compromise bill went through without a dissenting voice.

However, county home rule is now being placed before Michigan voters by initiative petition. Its acceptance seems inevitable. When some time in the near future there is a revision of the government of Wayne County, the bureau believes it has sufficient facts to put the office of coroner into the limbo of suspenders, mustache cups, and other accessories of another age.

THREE TOWN MANAGERS IN TROUBLE

STRATFORD, CONNECTICUT,—DECATUR, GEORGIA,—
MANSFIELD, MASSACHUSETTS

BY RICHARD S. CHILDS

I

EARLY in my observation of the workings of the city-manager plan I was convinced that in towns of less than ten thousand population all bets were off as to how a modern charter would work; that is to say, an average of progress and success could be safely predicted as to such towns in general but as to a given case, no predictions could safely be ventured. In towns of that size the personal equation looms high, a single trouble-maker can upset the apple cart and the manager's personality and tact are put to their stiffest tests. In such a town the manager is not part of a considerable machine of government but is almost its entire active personnel. He does not sit behind a big desk and issue written orders; rather he carries his office in his hat and learns to call the road foreman "Charlie." Instead of the mild fluctuations of the party votes characteristic of a big city, we see the

quietness of a mill pond and unopposed re-elections at one season and a little tornado of bitter personal politics the next. Accordingly trouble, when it comes, is likely to be acute and the excitement keen even to the point of comicality.

II

Stratford, Connecticut (population 6,970), adopted its city-manager charter with some help from our field director, Dr. Hatton, in 1921. The town is straggling in its layout with several distinct sections, making wards and a ward-elected council more acceptable than the usual method of election at large. The first council was somewhat mixed in character and political complexion and not of very high ability. It selected as town manager, R. W. Hunter, formerly the town manager of Ambridge, Pennsylvania, and things started off smoothly.

Stratford, like most Connecticut small towns, is solidly Republican. It was the Republican Town Committee which had started the movement for a new charter, expanding promptly, however, to include outsiders of all elements. Nevertheless, it is assumed that the party leaders developed a dislike for the manager. Being a stranger, very likely he went ahead, did the work and made his purchases and appointments without consulting the old unofficial government.

One night last January, with very little warning, the council voted, 6 to 3, to demand the resignation of the manager, asserting that Mr. Hunter had been inefficient and inattentive, and charging specifically that in buying two ash cans he had signed the requisition after the purchase, and that by ordering a bin filled with coal he had purchased seven tons when intending to purchase only five. The manager described the action as a thunderbolt from a clear sky and pleaded dignifiedly but vainly for opportunity to prepare a reply to the charges.

The obvious triviality of the charges struck the people as indicating that the real reasons were not being disclosed and as being unfair to the city manager.

The fine public zeal that had been built up for the charter a few months earlier revived promptly and petitions, reciting the unfairness of the action and asking that it be rescinded, were signed by over a thousand voters, one third of the voting list, within twenty-four hours. People who had never come into contact with Mr. Hunter became suddenly his violent partisans.

A secretive summoning of the council at unusually short notice leaked out and the Town Hall was packed to its capacity with a crowd that waited two hours with increasing impatience while the council held a private session.

When the councilmen finally emerged, the spokesman of the crowd demanded that the council's action be rescinded. The council was firm, but so flustered that it adjourned having voted on a minor amendment of a motion to reconsider but not having voted at all on the motion.

Then came two or three district meetings packed to support the action of the council. They were of local civic clubs, restricted to paid-up members and certain members were urged to pay up in time to enable them to participate in the proposed action. This promptly inspired other and wide-open meetings, practically all of which demanded that their councilmen rescind or resign.

Despite all this, the council at its next meeting ten days later, elaborately protected by police in the presence of a thousand storming citizens, voted 7 to 2 to oust the manager at one day's notice and named a temporary successor. It was not certified as an emergency resolution, and Hunter proved by the charter that no such motion could take effect in less than 30 days. He resisted ouster and presently a referendum petition signed by 1,607 of the town's 3,700 voters served to suspend the ouster resolution pending its reconsideration or submission to the people. There are two managers at present writing.

Mr. Hunter appears to have behaved as a manager should in such circumstances, remaining inactive and as far as possible a silent spectator, but even so, his position under the council must be untenable for any length of time and essentially unpleasant. The plan is stronger than ever in Stratford.

III

Decatur, Georgia (population 6,150) put the plan into effect in January, 1921. The charter had carried by the trifling

majority of 27 votes, leaving to the opponents the solace that they might reasonably hope to reverse the action the first time the new government struck a controversial subject. The nominators of the winning ticket at the first election purposely included one candidate who had opposed the new charter but who had later announced his conversion. He seems, however, to have made himself the nucleus of the opposition.

The commission received five hundred applications for the managership and elected P. P. Pilcher, a non-resident, by unanimous vote. He soon found the above-mentioned commissioner opposing him and at the election of 1921 when two friendly commissioners came up for re-election, one was defeated and the minority was strengthened. The former mayor was appointed director of the department of law (equivalent to the city attorney), as a matter of political strategy, but, having exercised larger powers, he apparently found it difficult to let go and continued to issue directions in the police department and elsewhere. He came promptly into collision with the city manager and resigned to take a leading place with the opposition.

The manager was able at the end of the first year to show on a balance sheet prepared by outside auditors that the town was \$6,000 better off than before and claims that the administration has been improved in various respects, politics having been "almost entirely" excluded from the departments under his control.

The city manager continued to be a target for criticism which could be directed only against the majority of the council. The ex-mayor threatened the use of the recall against them every time some particular thing failed to go according to his liking, and sometimes

circulated petitions which seized upon the fact that expenses exceeded income as basis for charges of mismanagement. In the 1921 election the manager was, to some extent, an issue and after the campaign, the manager announced he would resign early in 1922. The minority persisted in efforts to displace him sooner, arguing that the new manager should be installed soon enough to prepare the new budget, the majority maintaining that the experience of the old manager should be held available for that purpose. At the request of the latter, he stayed until April first. The manager frankly stated that his resignation was for the purpose of clearing the decks of all personal questions and help straighten out the political situation. He being eliminated, the opposition turned against the three majority commissioners still more directly and it was made plain that the fight was against the whole new system. Cooler heads, however, began to prevail and the recall petitions with their vague charges were dropped. The whole five commissioners resigned, a special election was called, and committees representing both factions succeeded in agreeing upon a ticket. This was confirmed at a mass meeting on March 1, at which time, also, resolutions were passed clearing the commissioners of the imputations on the recall petitions. Election of the new ticket without opposition is a reasonable certainty and the government will start afresh in more auspicious and harmonious circumstances. The majority and the manager did not have to resign but the good will they showed in eliminating themselves in the interest of the success of the new form of government has disarmed its opponents and the new government, having thus survived the earthquake, is left considerably stronger than before.

IV

Mansfield, Massachusetts (population 6,255), put into effect the manager charter in February, 1921. Our Dr. Hatton helped draft the charter and in his draft retained an old New England name of excellent traditions by calling the council of five "Board of Selectmen." A high-grade board, four business men and a railway conductor were elected and they selected as manager, Eldredge R. Conant, former Engineer and Purchasing Officer of Savannah, Ga., at a salary of \$4,000.

Conant found the usual easy-going practices of a country town and proceeded briskly to speed things up, unaware that a strong minority of the people were bitterly hostile to the innovation. The first step was the elimination of various departmental boards, the members of which had drawn salaries of \$200 a year or less, and they frequently developed hostility. He consolidated two departments, the heads of which he considered incompetent, and appointed a young engineer from out of town who seems to have done well in making people who had long enjoyed leniency as to water charges pay their full share—a process which made further enemies.

This engineer was for a time a target on various grounds, *e.g.* his war record was unsuccessfully challenged by the Legion, and his membership in the Catholic Church was cited against him. The Selectmen and Manager stood by him but he resigned after a year.

The town treasurer, long a leading political figure of Mansfield, was continued in office on trial but the State Accountants presently came around and disclosed a condition of things in his office which resulted in a prompt change. He organized the opposition industriously and in February, 1922, contrived to elect an anti-manager

candidate to the Board of Selectmen. In the same month came the annual financial town meeting and here a vote was carried to cut the manager's salary from \$4,000 to \$1,000. The new treasurer was remembered with a cut of \$640. The selectmen have the power under the charter to fix these salaries and the manager's claim would be valid but awkward to collect as the town meeting's action cut off the grant of the funds.

Having tasted victory in the February election, the opposition in March, filed a recall petition against two of the five selectmen thus attempting to reinforce the new member sufficiently to constitute a majority that would remove the manager. But the recall election in April scored a success for the city manager plan. The members of the Board of Selectmen were both upheld in the election. The fact of concern to us here is the extent to which so small a public question as the changing of a few municipal employes can, in a small town, serve to create a tempest that may upset the orderly working of the city-manager plan or any other. So intimately personal an issue could hardly be used to so bedevil the manager of a large city.

The *Mansfield News'* account of speeches at an opposition meeting reveals nothing but antiquated rhetoric including the following pearl from the lips of one disgruntled speaker:

"—the town manager form lies in the hands of a highly organized crowd of Capitalists who are directly connected with the National Municipal League. This League has headquarters in New York and branches in every city and is organized for the sole purpose of distributing propaganda destructive of the old form of town government."

At the end of March, after the Selectmen had refused to ask his resignation

on motion from the new member of the Board, Manager Conant resigned, accepting the position of surveyor of Manchester, N. H.

The town meeting was retained by Dr. Hatton in his draft of this charter as an interesting substitute for the more usual and less expeditious initiative and referendum, and its misuse for purposes of political retaliation is an unexpected outcome.

The peril of all town meetings is that they will be representative only of the special groups who are excited about some semi-private question and who consequently bestir themselves to attend the meetings whereas the greater mass of citizens, whose interest is only general, do not turn out to defend the treasury. In early days when a town meeting was the great central event of the season in an isolated community, a full and completely representative attendance was easily brought out, but there are other indoor and outdoor

sports in New England to-day, and town meetings composed of less than one per cent of the voting list are common. It is accordingly no longer democratic in practice and is a disappearing institution. Dr. Hatton's interesting attempt to give it a place in a modern village government will have forked the lines of responsibility if the Mansfield town meeting's interference with the budget proves actually troublesome.

V

All three of these stories are based on the long-distance evidence of letters and newspaper reports, and may be one-sided as to details and characterizations. The facts are clear enough, nevertheless, to show how much more personalities count for in small cities than in large ones and how much more difficult it may be to keep the administrative officers uniformly out of politics in little communities.

A "SWIMMING HOLE" IN CHICAGO

BY RUTH DEAN

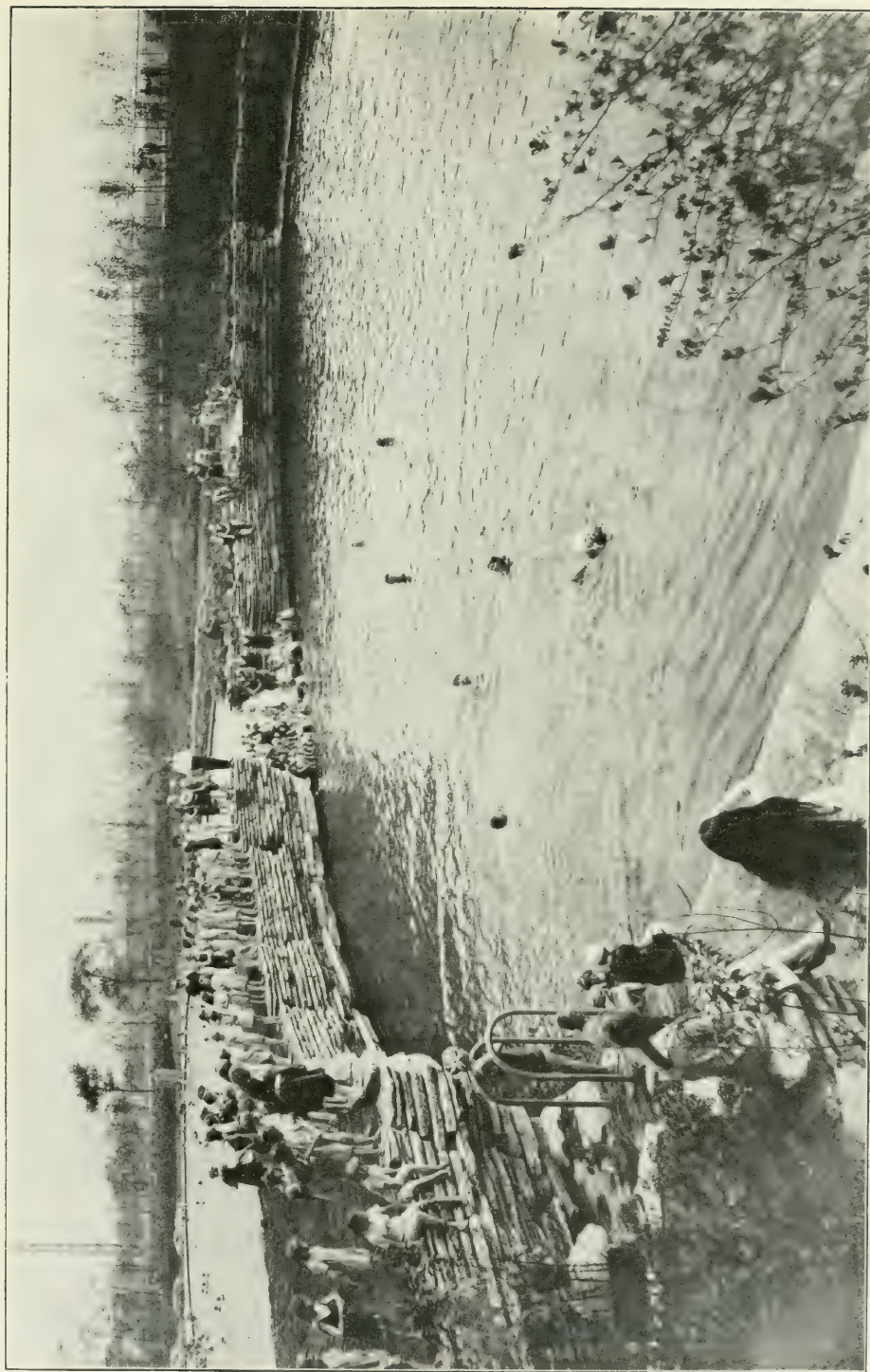
Landscape Architect, New York City

I

If you had your choice between the most up-to-date, tiled pool in the world, and the old swimming hole, you would not hesitate long over the choice; snakes, roots and scum notwithstanding, you would dive deep into the pond's friendly waters, in preference to plunging toward the unromantic white tiles on the bottom of the pool.

This is the simple reasoning behind Mr. Jensen's successful attempt to create for the thousands of Chicago children who have never hung their "clothes on a hickory limb," the en-

vironment of a real swimming hole. He knows that it is impossible to take many of these children to the country for even a short visit, and that most of them will never know at all the ooze of clean mud between their toes, the splash of a fat bull-frog startled from his shelter under a fern frond, the lazy arms of willow dipping down into the water. "We must bring the country in to them, then," says Mr. Jensen; "instead of a concrete bathtub set in a glare of gravel, we must give them a bit of real woodland—a rocky pool shut in from tall smokestacks and trolley cars by elms



The "Swimming Hole" at Columbus Park in Chicago. Shallow pool in background. When the adjacent plantings attain full growth and luxuriance this pool will contrast most happily with the more common "concrete bathtub." Jens Jensen, Landscape Architect.



ANOTHER OF MR. JENSEN'S NATURALISTIC SWIMMING POOLS (IN A PRIVATE ESTATE) SHOWING THE EFFECT EXPECTED AT THE COLUMBUS PARK "HOLE" WHEN THE FOLIAGE REACHES ITS FULL GROWTH.



SCENE FROM THE PROLOGUE OF "AS YOU LIKE IT" SHOWING THE COMMUNITY DANCERS AND THE DEPTH AND BEAUTY OF NATURE'S STAGE SETTING IN THE ST. LOUIS MUNICIPAL THEATRE.



OPENING DAY AT THE SWIMMING HOLE. THE PLANTINGS WERE NEW AND LEAFLESS AT THIS TIME AND FAILED TO GIVE THE SENSE OF A WOODLAND ENCLOSURE WHICH NOW GROWS MORE COMPLETE WITH EACH PASSING YEAR.

and maples; screened around with river alder and dewberry and dogwood; with ferns down to the water's edge, and wild grapevines sprawling over the rocky ledges; and we will make the pool safe and sanitary as well, with ladders into the water, a life rail around the edge, easy drainage and a large-volume supply, so that our health cranks may not complain that it is dangerous and unwholesome.

Of course if one is hungry it is better to have food in however dreary surroundings than to starve; and any bath at all is preferable to going dirty; but beauty is not less a fundamental of the spirit's existence than is food or cleanliness of the body's; and although the joy to be had in the mere act of swimming is not easily destroyed, the pleasure of the sport is vastly increased by the stimulus of lovely surroundings. A turn round the obvious limits of a concrete rectangle may provide exercise, but it fails to touch the imagination, and is dull pleasure compared to an equal sixty feet and back in a country pond.

II

To combine the necessary practical elements of one, with the careless beauty of the other, and this on a large enough scale to accommodate three or four hundred children at one time, was the task Mr. Jensen set himself in making the swimming pool in Columbus Park.

His first move was to shut out the noisy city, with thick belts of real country planting,—not such tame garden vegetation as one sees on the average gentlemanly country place (and alas in too many parks)—lilacs and snowballs and barberry and bridal wreath,—but heavy country hedgerows with a backbone of elms, maples, lindens, ash, and an undergrowth of hawthorn, crab apple, sumach, wild plum and cherry. The pool itself grew into

two pools, a deep one,—seven to eight feet in depth and about ninety feet in diameter to take care of the older children and those who could dive,—and a bigger, shallow pool, about four and one half feet deep, two hundred and twenty feet long and from sixty to one hundred and thirty feet wide, for the little children. The bottom of both pools is of concrete, expansion-jointed in fifty feet squares. The sides, also, to the coping are of concrete, and the coping is of flat stones. This coping projects slightly above and over the gutter formed by the concrete and casts a shadow which quite conceals the gutter and to a large extent the life rail.

Around at least two thirds of both pools runs a stretch of varying width which is paved with flat irregular stones so that the users of the pools may sun themselves, or rest between dips.

The pools are fed ostensibly by a little waterfall that tumbles into the deeper pool; this pool is somewhat higher than the shallow one, and empties in turn into the shallow pool. Of course the waterfall does not do all of the work of feeding the pools but is supplemented by several supply pipes in the bottom.

III

The most skillful feature of the whole scheme is the handling of the pool's borders. Ledges of rock rise sheer from the water's edge in places, and, after running along the water for a stretch, are carried back so as to leave room for the paved space, and then break irregularly into the surrounding grade. To make rock work so that it looks as if God had done it is no mean act of creation; for the most part, man achieves something which is all too patently a "rockery"; but in this case, despite the handicaps due to the public character of the work and the necessity

for extra precautions, Mr. Jensen has transplanted a bit of nature. He has used big flat slabs of rock brought for the purpose from a quarry in Wisconsin, and has laid them to simulate the horizontal stratification of the natural rock formation. Layer is laid on layer with puddled clay for mortar (except in the case of waterfalls where cement mortar is used) and the joints are raked out six inches or more. Pockets of

earth are left everywhere for vines and wood plants, and the illusion of naturalness is carried out by rough stepping-stones from the higher to the lower levels.

In these sunny woodland pools, a few steps from flourishing factories, the city child has a taste of the country boy's pleasures, and perhaps borrows a little grace for his soul from the pleasant ways of Nature.

DEADLOCK IN PUBLIC UTILITY REGULATION

VI. MUNICIPAL ACTION TO BREAK THE DEADLOCK

BY JOHN BAUER

Consultant on Public Utilities

The municipal governments as constructive advocates must plead the grievances of their constituents before the utility commissions and must equip themselves by a pooled technical service on which numerous cities may draw. :: :: :: :: :: :: :: :: ::

In previous discussions of this series, the conditions were considered that have led to practical deadlock in public utility regulation. This final article is devoted to an outline of municipal action to break the deadlock.

In every city of considerable size, the most important local problem centers around public utility rates and service. This has been the chief issue in a number of municipal elections the past year, and is bound to be the principal ground of contention throughout the country. The solution must be based upon a positive program of sound economic and public policy.

The controlling fact in the establishment of such a program is that the cities must rely upon themselves; that they cannot depend upon the public service commissions except as machinery through which to function. The locally

elected officials are much closer to the needs of the people than are any other governmental agencies, and are inevitably responsible for important municipal matters. They must determine for themselves what is needed and decide upon a definite policy, and then appear before the commissions to translate such purposes into accomplishment.

An earlier article considered the character of the public service commissions, explaining the unusual combination of legislative, administrative and judicial powers. The fact was emphasized that, while the commissions have been charged with the responsibility of promoting the public welfare, because of their judicial responsibility they have not actively pressed the local public interests where there would be a clash with private interests. The com-

missions could hardly be expected to make trouble for themselves, and for the most part they have started proceedings for the reduction of rates or improvement of service only upon clamoring municipal insistence. For this reason, the cities must determine for themselves the proper policies, and then use the commissions, clothed with the police power, to carry out the established purposes. If the cities appear before the commissions with a definite program and the facts supporting it, effective action can be obtained, especially if the force of public opinion is properly marshalled.

The writer believes that the commissions endowed with the unusual combination of powers constitute a necessary part of the machinery to carry out desirable local policies as to public service corporations. But, they are not suited to the purpose of formulating such policies and carrying them out on their own initiative. The policy-making function, as experience has amply demonstrated, properly belongs to the local municipal authorities, who are elected by the people, and are more responsive to public needs. The cities themselves, therefore, ought actively to assume the responsibility of working out their public utility problems; then appear with their programs and facts before the commissions and use these special bodies, with their police power, to carry out the local purposes. The commissions will exercise their powers when thus actively confronted by the organized desires of the cities, but will do practically nothing, as experience has shown, if left to their own initiative and responsibility.

VALUATION FIRST

The first point in a positive municipal program is to establish once and for all the valuation of the properties upon

which the investors are entitled to a return, and that valuation must be definitely recognized by the public as entitled to a return. As explained previously, the matter of valuation has furnished a continuous battleground of rate regulation, and with comparatively few exceptions nothing has ever been definitely settled. This must be cleared up before other constructive measures can be carried out. The rights of the investors must be clearly defined, and in turn the duties of the public must be definitely fixed. Otherwise the constant disagreement between public and private claims will continue, the processes of regulation will remain unwieldy, and deadlock will prevail.

If the valuations are once fixed, so that the rights of the investors as well as the duty of the public are clearly defined, then the technical processes of rate making could be made exceedingly simple. To the valuations would be added all subsequent additional investments for improvements and extensions, and provisions would be made for the complete maintenance of the properties, including adequate reserves for depreciation, renewals and contingencies. The books of the companies would thus continuously show the amount of the investment entitled to a return, and a record of the receipts and costs of operation would show also whether or not the investors are receiving the return to which they are entitled. The necessary facts upon which rates are properly based would be available at any moment from the accounts and records kept under the commissions' supervision. If in any case the earnings above current operating costs and reasonable provision for reserves and contingencies become greater than the necessary return upon investment, the fact would appear clearly from the accounts and the rates could be readily

reduced without affecting the rights of the investors. Similarly if the earnings become inadequate, the rates could be promptly increased without placing an unjustified burden upon the public. The facts would be constantly available, and rates could be fixed almost automatically without injury or special benefit to private or public rights.

In clearing up the confusion as to valuations, it is necessary that proper principles and methods be used so that no unreasonable burdens be placed upon the public and that no real private investments be confiscated. The basis of valuation would be exceedingly important, and its determination would require the greatest regard by each municipality as well as maximum co-operation between cities. Correct principles ought to be vigorously urged before the commissions. With the support of public opinion and with co-operation and vigorous action by cities, valuations based upon sound principles could be generally established fairly quickly and applied to all the properties with reasonable expedition; definite amounts entitled to a return could thus be fixed within two years' time even in the most complicated situations. Then subsequent rate making would be a simple process, based upon agreed facts, without the acrimony of litigation and without profit or loss to private or public rights. Deadlock will inevitably continue until such an automatic machinery has become operative, based upon fixed valuations, definite rights, and constantly established facts.

PROGRESSIVE METHODS

The second point in a municipal program is to establish the most economical methods of operation. As set forth previously the companies are employing to a large extent antiquated

or inadequate plant and equipment, are maintaining unduly costly methods of operation, and particularly have permitted the accumulation or continuance of undue overhead expenses. These conditions result in excessive costs, poor service, and high rates. The commissions have done very little in promoting progressive economies, such as forcing the companies to install proper plant and equipment, and furnishing proper service at minimum cost. If the public wishes to keep abreast with the advance in the arts and to obtain the benefit of rates based upon maximum economy, the cities must take the initiative themselves. They must show wherein the management is uneconomical; then place the facts and recommendations before the commissions and thus use this special machinery with its police power to require the companies to employ all possible economy in providing service.

CONSISTENT FOLLOW-UP

The third point in the program is that the cities must keep regularly in contact with methods of operation, costs, and returns, so as to plan intelligent action based upon facts. While the commissions' police power ought to be used by the cities to carry out their program, there must be exact and adequate knowledge to prepare a program, and there must be an organization for that purpose. The original intention of the public utility laws in establishing the commissions was undoubtedly that these special bodies were to take the requisite initiative in procuring proper management with the lowest possible cost and rates to the consumers. But this reliance upon the commissions has been futile; the cities themselves must provide the means by which desirable municipal policies may first be developed, then using the commissions as

vehicles for carrying out the municipal purposes.

Heretofore the cities have done practically nothing on their own initiative in the development of consistent policies, and have acted only when partial crises had developed. Then, in most instances, they were not prepared for intelligent action; while floundering they called in experts, appropriated large sums of money, made lavish expenditures, and obtained little in desirable permanent results. In particular cases the cities have secured reductions in rates or prevented increases, or even brought about improvements in service. In general, however, they have acted spasmodically, and have made little effort to keep constantly informed about conditions and costs of service and to develop and carry out a systematic program in the interest of the public.

If, then, the cities wish to have the best possible service at the lowest possible cost to the public, they simply must have systematic organization to get the facts, and to develop and carry out regularly the desirable municipal purposes. In most instances, however, the cost to the cities would be prohibitive if they were to place such an organization among the regular municipal departments. The services of the highest grade of financial, accounting and engineering experts would be required, and if each city were to maintain such an independent organization, the expense would be overwhelming and any thoroughgoing policy impracticable.

Except in the case of possibly a few very large municipalities, the reasonable course would be for the cities to act together in some form of co-operative organization, so as to distribute broadly the cost of obtaining the best experts necessary to carry out the program. The cities could thus secure the highest grade of technical skill and would be

able to pay the necessary compensation to first-class experts. Since no one city would require the exclusive services of such an organization, the cost could be apportioned so as to weigh but lightly upon each municipality.

CO-OPERATIVE SERVICE

There are two possible plans for carrying out large scale co-operation in the use of a technical organization: (1) the cities themselves organize a public utility bureau, and prorate expenses, and (2) form a private organization to work with the cities, entering into a separate agreement with each city and fixing the charges according to individual circumstances. A direct public utility bureau organized by the municipalities, would be difficult to maintain because of the inevitably cumbersome control. The alternative private association would be more easily managed and could be more readily adapted to varying needs. Safeguards could be readily provided for proper service, so that the cost to the cities would be kept within reasonable figures.

With either form of arrangement, whether a public utility bureau under the direct control of the cities or a private organization, the cost of carrying out a consistent municipal policy could be made so low that every city of considerable size could afford the service; or could not afford to go without it. The organization would first help each city work out its own particular program suited to local conditions. Then, in co-operation with the local authorities, it would obtain the establishment of definite valuations of the public utility properties. Working with a number of cities, such organization would have the advantage of presenting consistent principles and methods throughout and would thus be in a

particularly strong position to obtain fair valuations for the public.

As a necessary part of a regular program, the organization would make a periodical report to the municipal authorities covering the financial results of operation. It would investigate also the methods of operation and the physical conditions of the properties showing where improvements could be made and costs reduced. It would not only present an analysis of the facts, but would make recommendations as to any particular action that ought to be taken. And it would assist or represent the cities before the commissions and courts in all public utility actions relating to rates, service, issuance of securities, economy or any other technical matter. There would then be an assurance that the public interest be most effectively promoted in every action.

The outline here presented is, of

course, only suggestive. This much, however, is clear to the writer: Some such plan must be adopted and carried out if the existing deadlock is to be broken. Regulation has existed over fifteen years; has produced few constructive results, but has impeded the progress of economy and caused extensive impairment of the credit of the companies. The cities must act for themselves if they wish proper service at reasonable rates for the people. In order to carry out their purposes, the cities must use the commissions; but experience has demonstrated beyond doubt that reliance upon these outside quasi-judicial bodies to do vigorous planning and pushing for the local public is unjustified and useless. The local authorities simply must assume this responsibility if the rights of the public are to be properly safeguarded and promoted.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE
ACT OF CONGRESS OF AUGUST 24, 1912

Of the NATIONAL MUNICIPAL REVIEW, published monthly for April 1, 1922.

STATE OF NEW YORK,)
COUNTY OF NEW YORK, } ss.

Before me, a Notary Public, in and for the State and county aforesaid, personally appeared G. R. Howe, who, having been duly sworn according to law, deposes and says that she is the Business Manager of the NATIONAL MUNICIPAL REVIEW, and that the following is, to the best of her knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher: National Municipal League, 261 Broadway, New York, N. Y. Editor: H. W. Dodds, 261 Broadway, New York City. Managing Editor: R. S. Childs. Business Manager: G. R. Howe.

2. That the owners are:

National Municipal League, New York City, a voluntary association, unincorporated. The officers of the National Municipal League are: H. M. Waite, Pres.; Carl H. Pforsheimer, Treas.; H. W. Dodds, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

G. R. HOWE.

Sworn to and subscribed before me this 11th day of April, 1922.

[SEAL]

HENRY J. WEHLE,
Notary Public, New York County.
(My commission expires March 30, 1923.)

PENSIONS IN PUBLIC EMPLOYMENT

MINORITY REPORT OF ALBERT DE ROODE

The main report of our committee on the above subject was published as a special issue of the REVIEW in April. This minority report relating to the committee's preference for the contributory principle was crowded out for lack of space. :: :: :: :: :: ::

I find myself unable to concur in all the recommendations of the committee.

My chief objection is to the so-called contributory principle.

In an article published in June, 1913, in the *American Economic Review* entitled "Pensions as Wages," I pointed out the fallacy of treating a pension as other than a part of the real wages of the employee, both in public and private employment. A pension is part of the real wages of an employee and it is economically unsound to consider an employee as paying part of his own wages. Speaking of an employee contributing to a pension fund is as unsound as to say that an employee shall pay half of the overtime paid him for night work.

In this minority report I submit as my views on the pension question the following extracts from my article in 1913:

The main difficulty in the way of adopting a pension system is the conflict between those who contend that the government should pay the pension and those who contend that the employee should pay the pension, or rather that out of the present wage of the employee he should be required to set aside, under government control, sufficient to provide his own pension. Considering pensions as part of wages, as in private employment, this conflict resolves itself into the question whether the present scale of wages, paid employees in the federal government, is sufficient to justify requiring the employees to set aside out of such wages the savings necessary for their pensions. That this is the question is recognized generally by advocates of the so-called "contributory" plan when they say that where wages are found to be inadequate the remedy is to increase the wage. The difficulty with this is that an increase under such a plan would be apt to take the form

of a flat rate of increase applying to classes of salaries or wages generally, and not meeting individual cases. Thus, for an illustration, assume two employees, one 35 years old and the other 45, each getting a salary of \$1,200. Under the contributory plan the employee 45 years old must contribute more to provide for his pension than the younger employee, yet any increase that would naturally be made would be to raise the salaries of all \$1,200 men.

The very demand for pensions on the part of the government employees indicates that the present salaries are not sufficient, according to the ideas of the employees. The logical way to treat this situation would be for the government to pay the pensions and then adjust the money wages accordingly. To expect the employee to provide for a pension system out of his present scale of wages and then rely upon future increases in wages, is to force the employee into the field of collective bargaining for such increases. This would not necessarily take the form of labor unions, but possibly might resolve itself into a more dangerous method, that of lobbying and attempting to influence the election of representatives. Inasmuch as the government is maintaining a quasi-pension plan which it is highly desirable should be abolished, and inasmuch as the adoption of an intelligent pension plan would benefit the government quite as much as the employee, it would seem only the part of wisdom and decent interest in the welfare of its employees, such as the age demands of the government, for it to take the initiative.

Two things should be insisted upon: the separate treatment of each individual as to his pension and the proper funding, year by year, of a pension fund. Unless pensions are treated individually, there is a tendency to overload the fund for special cases or the fund becomes a general grab-bag. Unless proper provision is made for the funding year by year (so that pensions are not merely paid out as part of current expense), there is no way of finding just what pensions are costing nor of checking up and making adjustment. A pension fund of the government should be conducted with the same precision and fiscal intelligence as are the funds of insurance companies and railroads.

Under a system which, starting on the basis of the present rate of wages, the government should pay in addition to these wages the amount nec-

essary for the pension, there would work out, by and large, a better adjustment of wages than could be expected under the contributory plan. For example, take the same two employes, aged 35 and 45, each getting a salary of \$1,200. The pension contribution by the government in the case of the younger employe would be much less than in the case of the older employe, and when, in the natural progress of service, the time came around for the older employe to receive an increase in salary, it could be pointed out that he was already receiving an increase in the shape of a pension contribution, and in that way wages of employes could be better adjusted to meet individual cases.

In other words, under the contributory plan the tendency would be to raise the wages by some rule of thumb with not so much reference to any individual case as to specific rates of wages. Under the plan in which the government should contribute the pension in addition to the present rate of wages, through promotion and normal salary increases, there would be a better and more exact opportunity for adjusting the individual case, and in the course of a very few years the general situation would be, one might almost say, automatically adjusted.

Considering pensions as a part of wages, the contributions made each year to the pension fund by the government should be considered, subject to one exception, as deferred wages, payable to the employe upon separation from the service, or to his heirs in case of death. The exception to this general principle should be in the case of the early years of service. A pension is not a mere increase in wages; it is an inducement to continued service. Many persons enter government service as a temporary occupation. The right of the employe, therefore, to the accrued value of his pension should not commence until he has passed what might be called the temporary stage. Roughly speaking this would be five or six years, and the accrued value of the pension returned to him upon separation would commence with the beginning of what might be called the more permanent service.

There are two ideas underlying this return of the accrued value of the pension. First, the natural one following from the consideration of a pension as a form of wages, that the accrued value of the pension is actually earned by the employe and as a matter of morals should be returned to

him. Second, and this is particularly important in government pensions, the natural instinct of government authorities would be not to dismiss an employe where such dismissal meant the forfeiture of a considerable money value. This is human and obtains very largely, I imagine, in private employment. It obtains to a much greater extent in public employment where there is no pocket nerve touched by the retention of the inefficient. It would make the dismissal of the inefficient government employe much easier for the removing authority if the accrued value of the pension fund were given him upon dismissal.

A third idea may be added. To the author's mind the success of democracy depends upon the absence of rigid classes or strata among the people. We do not want to develop an office-holding class, except upon the basis of proven efficiency. We, therefore, should not make it difficult for the employe in the government service to get out of the government service because of the lure of a pension at the end of a stated time, the accrued value of which he forfeits if he leaves. We should not make it difficult for those in authority to remove the inefficient because of the forfeiture of the accrued value of the pension.

Considering pensions as wages, and not mere gratuities, such as might have been given by the Stuarts to their court favorites, it seems that a sound pension plan should be developed on the following principles:

(1) Pay the sums necessary to maintain the pension fund over and above the present scale of wages of its employes.

(2) Treat each employe's pension separately.

(3) Make proper funding provision upon actuarial calculation and set aside year by year the necessary sums.

(4) Give to each employe, upon separation from the service, or, in case of death, to his heirs: (a) the accrued value of his pension, or (b) the commutation of such value in the shape of a smaller annual pension; the accrued value of the pension to be determined from such point in his service as would exclude refund in the case of merely temporary service.

Respectfully submitted,

ALBERT DE ROODE.

June 9, 1921.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

A Constitutional Convention in Virginia will be held in 1925 if the people so vote at a referendum ordered for next November.



Sonoma County, California.—Forty citizens from all parts of the county met at Santa Rosa in February to organize a county charter league and to arrange to nominate freeholders to draft a county-manager charter.



Butte County, California.—A board of freeholders began to hold meetings on April 14 at Chico for the purpose of revising the county charter, and a group of citizens are organizing to press for adoption of the county-manager plan.



Sacramento County, California.—The February election of freeholders resulted in the election of the entire ticket pledged to the submission of a county-manager charter and the freeholders are now at work. The sentiment for the plan is based largely upon the brilliant progress which the city manager of Sacramento is exhibiting. The city report for the first six months shows increase of miscellaneous revenues from \$143,000 to \$227,000. Operating costs dropped \$110,000 for the six months. The old administration had spent 59 per cent of the budget but the manager ran the city for the remaining half year on the other 41 per cent, took care of some \$30,000 of special expenses and had \$28,000 surplus left over.



Home Rule in New York.—After a fight lasting for many years the cities of New York state have persuaded the legislature to take the first big step toward substantial home rule for municipalities. In passing the Tolbert amendment the Republican majority has paid heed to a strong and growing public sentiment in the cities. Section 2 of the amendment just adopted reads:

The Legislature shall not pass any law relating to the property, affairs or government of cities, which shall be special or local either in its terms or in its effect, but shall act in relation to the property, affairs or government of any city only by general laws which shall in terms and in effect apply alike to all cities except on

message from the governor declaring that an emergency exists and the concurrent action of two-thirds of the members of each house of the legislature.

The amendment must pass the next legislature and be approved at the polls in November, 1923. A provision permitting cities to draft their own charters appeared in the original draft but was dropped.



The Louisville Short Ballot Charter.—A few months ago Louisville, Kentucky, wanted to modernize its government and called in our Dr. Hatton as consultant. The state constitution compelled two-headed municipal governments, so our model charter could not be considered, but Dr. Hatton helped to lay out the simplest structure of government that was possible under the restrictions, and this short ballot charter, as it was called, was gotten through the legislature with the support of both parties but was finally vetoed by the governor.



May Change County Government System in North Carolina.—Governor Morrison is dissatisfied with the state's present county government system, and he will recommend radical changes in the law to the next legislature.

The governor in April selected a commission of representative citizens of the state, who will be invited to come together and take into consideration the drafting for submission to the 1923 legislature of a new county government law in North Carolina.

While he has made no statement yet, it is learned that the governor thinks there should be a complete reorganization of the form of county government and the accounting systems in operation in them.



A New Pension Law.—New York has taken an important step to stop the development of further unsound public pension practices in the cities and counties by enacting a new law (Sen. 1212) which admits to participation in the State Employees' Retirement System all city and county employees in the state except those who already

enjoy systems of their own, and forbids the creation of any further pension systems by cities or counties.

✱

Federal Personal Board.—Early in his administration, President Harding expressed his ideas of the employment policy of the government in the following terms:

The time has come for the federal government to organize its agencies of employment in accordance with the principles which have been tested and approved by the best modern business practice. . . . Though the necessity for a budget system is great, perhaps even greater is the need for a system which will give federal employes a square deal in promotions, pay and continuity of service while obtaining for the nation's taxpayers, in return, a high standard of skill and continued loyalty among the employes who serve them. . . .

The most important step taken by the present administration toward the realization of this program is the appointment of a Federal Personnel Board. This Board was authorized in an executive order bearing the date of December 23 and issued over the signature of General Dawes of the Bureau of the Budget. It is to consist of representatives of each one of the departments and independent establishments. They are to serve under the chairmanship of the president of the Civil Service Commission. The Board's functions are practically as broad as the whole personnel field itself. Follow-up, transfer, promotion, training, standard hours and leaves,

"and other matters designed to obtain effectiveness of the public service," form the program of action.

There is, however, no more important function contemplated for the Federal Personnel Board than to make the Civil Service Commission a more integral part of the machinery responsible for employment administration. The chief reason for the red-tape character of the methods of the Civil Service Commission is its enforced isolation. In the past it has had little direct contact with the organizations which it is called upon to serve. This handicap will now be overcome if special officers are detailed from all of the departments in accordance with this executive order. The Board is specifically commissioned to perfect a liaison system between the civil service agency and the departments to the end "that the entire personnel selection and administration may be more practical and more co-operative."

In view of the success of similar co-ordinating committees already created under the Bureau of the Budget, it is to be expected that the Federal Personnel Board will substitute a progressive employment policy for the policy of drift which, judging from the report of the Reclassification Commission, seems to be the only title that applies at present to employment administration in the federal government.

W. E. MOSHER.

II. CITY-MANAGER NOTES

Sault Ste. Marie, Michigan.—Petitions were circulated recently looking toward a return to the aldermanic form of government, whereupon a statement favoring the present city-manager form was signed by every minister, priest and pastor in the city.

✱

Hinsdale, Illinois, adopted city-manager government in February, 1922. It went into operation April 1. F. D. Danielson is village manager.

✱

Salem, Virginia (5,000), adopted manager government by a 7 to 1 vote on February 7.

✱

Sapulpa, Oklahoma (population 17,500).—Victor Kirk, secretary of chamber of commerce, has led the fight for the manager charter. Of the two local newspapers, the smaller is in "opposition" and claims the labor vote. Personalities entered the fight. Fourteen citizens were

quoted as opposing the manager idea in the "opposition" paper and the next day the other paper quoted nine of the same fourteen as favoring the manager change. The election was held February 28. The vote was 3 to 1 for a manager charter.

✱

Janesville, Wisconsin, adopted city-manager government by 711 majority April 5. The women did it. New government will be in effect April, 1923.

✱

Muskegon Heights, Michigan (population 12,000), has adopted a manager charter. The census shows a growth of 463 per cent in the last decade.

✱

Niagara Falls, Ontario, voted for a manager charter in March and the bill now goes to the provincial legislature.

Bozeman, Montana (population 8,250), is the first Montana city to adopt a city-manager charter. Mr. Sam Mendenhall is the first manager.



New Manager Cities have been found recently. They are Ames, Iowa (5,455), modified form of manager government, Mgr. P. F. Hopkins; Marysville, Michigan, Mgr. H. B. Hollister; Brush, Colorado, and Grandfield, Oklahoma.



Plymouth, Michigan (population 2,130).—The citizens recently endorsed the city-manager government by a 4½ to 1 vote.



Belmar, New Jersey.—Mr. Cook Howland is the first city manager in New Jersey. Though New Jersey statutes are practically prohibitive, the office was established by an ordinance of the council sponsored by the mayor.



Sedalia, Missouri, lost its manager charter fight by a small margin. The opposition resorted to various political tricks, it is reported. The reason ascribed for the defeat is that many people who favored manager government were so sure it would carry that they did not bother to go and vote.



Grand Rapids, Michigan.—April 3, the proposed amendments that would have meant return to aldermanic rule were voted down by a substantial majority.



City Manager W. B. Anthony, of Walters, Oklahoma, is now president of the Oklahoma Municipal League. This makes four city managers who are presidents of state municipal

leagues—Charles E. Hewes of Long Beach, California, Louis Brownlow of Petersburg, Virginia, H. J. Graesser, of Tyler, Texas.



Combination Managerships.—The naming of the new manager at Petoskey, Michigan, is believed to forecast the divorcing of the city managership and the secretaryship of the chamber of commerce, which two offices were held by J. Frank Quinn for the past two years. S. E. Northway, who had held the dual position of city manager and school superintendent in Sherrill, New York, decided to devote all his time to school work, and C. B. Salisbury is now manager. Homer D. Wade held the dual position of secretary of the chamber of commerce and city manager in Stamford, Texas, until the first of the year, but now he is devoting his entire time to chamber of commerce work and H. S. Bradshaw, former city engineer, is now manager. A Pennsylvania town had a combination manager position for a time and dropped the arrangement, but so far as is known all such capacities are now divorced from city-manager positions.



Interest is being shown in city-manager government in the following cities: St. Paul, Minnesota; Utica, New York; Parsons, Kansas; Methuen, Massachusetts; Greenville, South Carolina; Burlington, North Carolina; Knoxville, Tennessee; Lawrence, Kansas; Waterloo, Iowa; Marion, Indiana; Hattiesburg, Mississippi; Three Forks, Montana; Cherokee, Iowa; Savannah, Georgia; Tulsa, Oklahoma; Prince Rupert, British Columbia; Eureka, California; Oshkosh, Wisconsin; Coffeyville, Kansas; Temple, Texas; Orlando, Florida; Warren, Ohio; Mexia and Gainesville, Texas.

PAUL B. WILCOX.

III. MISCELLANEOUS

Replanning Salonika after the Great Fire.—The replanning provisions of the recent Salonika Town Planning Act were drafted by a commission of English and French experts. In August, 1917, Salonika was totally destroyed by fire for the fifth time, and the statute was passed to take advantage of this great opportunity to replan it.

The first act of the government was to issue a Royal Decree prohibiting the erection or repair of any building prior to the adoption of the new

law. A survey and plan of the city were then made. Under the Greek Constitution the government was obliged to pay immediately the full value of the property, for which purpose it had no available funds. The owners of property in the burnt district were therefore, by virtue of the act, incorporated as a Property Owners' Association for the purpose of executing the new scheme, and all individual rights and titles extinguished; each property owner was made a

shareholder in the company to the amount of the value of his individual holding; and the management of the company was given to the government. A careful method of valuing the property thus compulsively taken over by the company was adopted, the property owner being given a hearing and right of appeal. In exchange for his property each owner received state bonds, which he was forbidden to sell, but on which, as collateral, the National Bank of Greece was authorized to advance to him 75 per cent of their face value.

The city was then replanned and replotted, and the sale of the new lots arranged for, the owners of the bonds having the right to turn them in, at their face value, in payment for any lots purchased by them. Other things being equal, the preference was given, in purchasing, to the old property owners. They also received 50 per cent of any profit realized by the company, the other 50 per cent going to the municipality of Solonika, to be expended in the construction of public buildings.

FRANK B. WILLIAMS.



Victory for Elimination of Illuminated Signs.—The merchants of Thirty-fourth Street between Fourth and Seventh Avenues, New York City, in several cases sought to enjoin the several defendants from taking down illuminated signs of the various plaintiffs, claiming that the city ordinance which prohibited illuminated signs on Thirty-fourth Street between Fourth and Seventh Avenues, except for carriage calls and places of amusement, was illegal. A recent decision vacates the injunctions and sets up progressive bill-board theory.

"There is no doubt that advertising by illuminated signs is very beneficial to business," states the judge. "At the same time the multiplication of those outstanding signs in this very busy section of the city easily can become an eyesore, a nuisance and an improper use of the air space over the thoroughfares. We may assume that the board of aldermen before passing this restrictive ordinance gave due consideration to the interests of those theretofore maintaining illuminated signs on Thirty-fourth Street and that the ordinance was adopted as the result of its deliberate judgment that the interest, comfort and convenience of the public demanded it."

That is the story; but the sequel is even more interesting. Now that the signs are down the Thirty-fourth Street merchants, it is reported, claim that there is a great improvement in their street and that they are converted to the public convenience and comfort of the law. H. J.

Loyal Legion Posts Plant Trees.—The Loyal Legion urges its members to plant trees on Arbor Day in memory of those who did not come back. In private premises, public parks, bordering streets, trees planted in this generation may give grateful shade while yet the planters live. By consulting park commissions, shade tree commissions, local agricultural bureaus and other competent tree experts, the Legion may avoid depleted ranks or awkward squads of trees which would hardly prove the fitting memorials they were designed to be. But if the patriotic impulse of the Legion is joined to the scientific knowledge available no finer memorials could be conceived than "God's green trees."



American Civic Association Chairmen.—The following chairmen for the American Civic Association are announced: Billboards and Smoke—Everett L. Millard, Chicago; City Planning—John Nolen, Cambridge, Massachusetts; Civic Programs—Mrs. Edward Biddle, Philadelphia; Housing—Electus D. Litchfield, New York; Noise—Mrs. Imogen Oakley, Philadelphia; State and City Parks—Harold A. Caparn, New York; Traffic Courts—H. Marie Dermitt, Pittsburgh. Mr. McFarland represents the American Civic Association on the Committee on Zoning formed by Mr. Hoover. Mr. Millard represents the American Civic Association on a committee formed by the American Society of Mechanical Engineers to work on a model smoke ordinance. The National Park activities are being handled through the main office.

H. J.



National Parks.—Senator Walsh has presented to the Senate Committee on Irrigation and Reclamation a substitute bill which would make it mandatory upon the Secretary of the Interior through the Reclamation Service to build a weir across the Yellowstone River whenever the irrigation people of Montana shall raise the necessary funds. Since this would introduce into the Yellowstone Park two distinctly non-park interests the bill is believed to be most objectionable from the standpoint of national park administration. The Secretary of the Interior has not yet replied to the request of the committee for comment on the bill.

Barbour Bill

The House Committee on Public Lands has reported favorably the Barbour Bill to enlarge the present Sequoia National Park to include the best of the Kern and Kings River Canyons under the name of Roosevelt-Sequoia National Park. The bill would place this enlarged park on exactly the same status as all other national parks were placed by the passage of the Jones-Esch amendment to the Federal Power Act which exempted all *existing* national parks from the jurisdiction of the Federal Power Commission. It has been impossible to secure consideration of the bill on the unanimous-consent calendar because of the objection of Representative Osborne who is interested in the power applications of Los Angeles; but it is thought that when the bill comes up on the regular committee calendar there will be a good majority of representatives who are in favor of it in its present form.

Grand Canyon Appropriations

Senator Cameron of Arizona succeeded in having the entire appropriation for the Grand Canyon National Park stricken from the Appropriation Bill for the Interior Department and made the occasion one to attack the whole policy of the National Park Service. Undoubtedly the Conference Committee will restore the appropriation, but the public should understand that the most careful study over a period of years reveals a conscientious and progressive policy in the National Park Service to open up to all the people their national parks. If this policy sometimes curtails or eliminates private gains to individual citizens, it does not mean that the National Park Service is wrong or short-sighted, but that the interests of all the people are held superior, as they should be, to the financial gain of a few individuals. We grant that the sites of the mining claims along Bright Angel Trail and around the scenic spots on the south rim of the canyon might prove profitable to the holders; but the returns, so it is said, would come from tourists and not from ore. Moreover we are inclined to agree with the Supreme Court of the United States in its decisions affecting several of these claims that the Secretary of the Interior should have the right to satisfy himself of the bona fide mining value of such claims before issuing patents. At any rate the rather complicated history of these mining claims and Bright Angel Trail explains, if it does not excuse, the attack of Senator Cameron on the National Park Service.

State Parks—Second National Conference, May 22-25, 1922.—It was only fifty years ago that the Yellowstone National Park was created by Congress. For more than a generation the difficulties of travel limited visitors to this and other national parks created in more recent years. In its eighteen years of life the American Civic Association has seen the park idea developed from a presumed frill or luxury to a definite necessity. It was our persistent pioneer work which lead to the creation of the National Park Service six years ago. Our hopes have been more than justified. The Fifth Annual Report of the National Park Service shows that the visitors to the national parks increased from 356,097 in 1916 to over a 1,000,000 in 1921, the automobiles from 25,358 to over 175,000. The people are coming to appreciate and use their National Park possessions.

The first National Conference on State Parks, called by Hon. John Barton Payne, then Secretary of the Interior, through the co-operation of Governor Harding, was held in Des Moines in January of 1921. The second Conference will meet this year, May 22-25, at Bear Mountain Inn, Palisades Interstate Park, New York, which in its 36,000 acres contains half a hundred mountain peaks over a thousand feet high. There came last season to the park by river boat, by ferry, by motor, by steam railway, by trolley and on foot, more than a million visitors.

Two days of the Conference will be devoted to the business of State Parks. A trip through the Palisades Interstate Park to West Point, along a new state highway around Storm King, through the New York Zoological Park and the Bronx River Parkway will give those who attend the Conference an opportunity to see scenery of rare beauty and to realize the cash value in actual revenue and the social value in the improved health of the people which such parks may bring to any state.

The Conference Committee consisting of John Barton Payne, chairman, Stephen T. Mather, vice-chairman, Edgar E. Harlan, secretary, W. F. Bade, Alfred Britt, W. L. Harding, Richard Lieber, J. Horace McFarland, James C. Rogers and Mrs. John D. Sherman, is using every resource to make this Second National Conference on State Parks an inspiration to all the states of the Union.

H. A. Caparn of New York is state park chairman for the American Civic Association.

H. J.

Preparation of Teachers of Social Studies for the Secondary Schools is the title of Bulletin 1922, No. 3 of the federal Bureau of Education. It is an important country-wide survey prepared by Edgar Dawson of our associate editorial staff.



Boston has appropriated \$10,000 toward the preparation of a comprehensive city plan.



Robert E. Tracy, until recently director of the Bureau of Governmental Research of the Indianapolis Chamber of Commerce and formerly secretary of the Philadelphia Bureau of Municipal Research, has returned to Philadelphia to become civic secretary of the City Club in that city.



A National Council for the Social Studies completed its organization in Chicago on February 25. Its purpose is to lay the foundations for training democratic citizens; and its sponsors believe that such training can result only from a carefully developed and adequately supported system of teaching in the elementary and secondary schools. Its plan looks to promoting co-operation among those who are responsible for such training, including at least the university departments which contribute knowledge of facts and principles to civic education; and the leading groups of educational leaders, such as principals, superintendents, and professors of education, who develop the methods of handling these facts.

An advisory board was set up composed of representatives of (1) the five associations of scholars most nearly related to the purpose of the National Council—historians, economists, political scientists, sociologists, and geographers; (2) the national organizations of educational investigators and administrators—elementary and high school principals, teachers of education, normal school principals, and superintendents; and (3) regional associations of teachers of history and civics. The function of this advisory board is to bring into the National Council the points of view of the organizations represented by its members and to insure a development of the social studies which will be in harmony with the best educational thought as well as based on the best present practice.

The following officers were elected for the year 1922-1923: L. C. Marshall, Professor of Economics in the University of Chicago, president; Henry Johnson, Professor of History in Teachers College, vice-president; Edgar Dawson,

Professor of Government in Hunter College, secretary-treasurer; E. U. Rugg, Lincoln School, New York, assistant secretary. An executive committee, charged with the general direction of the policies of the association, will consist of the officers and the following elected members: C. A. Coulomb, District Superintendent, Philadelphia; W. H. Hathaway, Riverside High School, Milwaukee; Bessie L. Pierce, Iowa University High School.

The first task the National Council is undertaking is the preparation of a Finding List of those experiments or undertakings in the teaching of the social studies which now give promise of being useful. This list will contain such exposition of the character and aims of these experiments as to make it possible for those working along parallel lines to discover each other and to co-operate more fully than would otherwise be probable. This expository material will have another purpose,—that of indicating outstanding differences of opinion and program in order that these differences may be systematically stated for purposes of analysis and discussion.

To aid in the discovery and assessment of these experiments, the National Council has in preparation a list of *Key Men and Women* who will be appointed in the various states to represent the National Council in its efforts to collect useful information and then to give currency to it. While this organization seems to represent all the elements out of which the best development of the social studies must proceed, the most useful work will be done only with the co-operation of teachers and investigators in all parts of the country to the end that lost motion and useless repetition may be eliminated and that mutually strengthening experiments may be pressed forward.

Persons who are interested in the wholesome development of the social studies, whether teachers or others, and if teachers, whether teachers of the social subjects or of some other subject, are urged to communicate at the earliest convenient moment with the secretary of the National Council, Edgar Dawson, 671 Park Avenue, New York City.



The Southwestern Political Science Association held its third annual meeting at the University of Oklahoma, Norman, Oklahoma, March 23-25, 1922. The program for the first day consisted of papers on the economic prob-

lems of the Southwest, concluding with an evening address by Judge C. B. Ames of Oklahoma City, formerly Assistant United States Attorney-General, on "Article Eight, League of Nations Covenant, and the Washington Conference." Discussions the second day were upon the subjects of international relations and general problems of political science. A session on public law concluded the program on the third day.

Officers for the ensuing year are: Judge C. B. Ames, Oklahoma City, Oklahoma, president; vice-presidents, re-elected, George B. Dealey, Dallas, Texas; F. F. Blachly, University of Oklahoma; D. Y. Thomas, University of Arkansas; Professor Herman G. James of the University of Texas was appointed editor of Publications and Mr. Frank M. Stewart of the University of Texas was reappointed secretary-treasurer. The executive council of the association consists of the officers, two elected members and the past presidents. The elected members of the council are: Professor E. T. Miller of the University of Texas, re-elected, and Professor J. P. Comer, Southern Methodist University, Dallas, Texas; past presidents are: Mr. A. P. Wooldridge, Austin, Texas, and Mr. George Vaughan, Little Rock, Arkansas. Members of the advisory editorial board, re-elected, are Professors Blachly and Thomas, Professor M. S. Handman, University of Texas, Professor C. F. Coan, University of New Mexico, and Professor J. M. Fletcher, Tulane University of Louisiana.

The fourth annual meeting will be held in Dallas in the spring of 1923.



An International Clearing House of Civic Information.—During the first International Congress of Cities held in Ghent in 1913 there was formed an organization known as Union Internationale des Villes (International Union of Cities). The name, however, does not fully express its function, for it is the main purpose of this organization to collect and study *contemporaneous documentary information* of all kinds relating to civic affairs, to supplement this research work by the preparation of briefs or short reviews and to promptly distribute these results throughout the world. This work, therefore, is of very evident

social interest, for social progress elaborates itself and becomes realized in large part through the influence of cities.

The project was necessarily laid aside during the Great War, but in 1920 at Brussels was taken up again and is now making rapid progress toward the accomplishment of its aims. A brief outline, therefore, of the organization and its methods of work may be of interest. There is first the main office at Brussels (where the writer has been helping on the work during the last summer), with an able directing personnel and a carefully selected staff of assistants—and, by the way, thanks to the generosity and interest of the Belgian Government; with ample opportunity for expansion, an important item.

Membership in the association includes the four following classes:

A. Honorary Members.

B. Active Members: Cities and towns joining the organization officially and represented by some authorized official, mayor or alderman, or otherwise. These communities pay an assessment which they fix themselves, but which may not be less than 50 francs a year. *The executive committee estimates that an assessment of one centime for every three inhabitants will be necessary for the development of the Institution.* This would amount for a city of 30,000 population to 10,000 centimes or 100 francs,—at the present rate of exchange from \$7 to \$10.

C. Corresponding Members: Separate or independent groups, associations or organizations which function in the sphere of communal interests. These would pay at least 20 francs a year.

D. Subscribing Members: Individuals who by their occupation, duties or studies are interested in municipal questions. These would be assessed 10 francs a year.

Official correspondence should be addressed to the Directeur de l'Union Internationale des Villes, 3 bis, Rue de la Regence, Bruxelles, but the undersigned who was present at the organization meetings in September, 1920, and was at that time delegated to further the interests of the Union in America, would be glad to answer inquiries.

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PAUL B. WILCOX, *Exec. Sec'y.*
City Hall East Cleveland, Ohio

National Municipal Review

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June, 1922

Total No. 72

Modern City Planning

Its Meaning and Methods

By THOMAS ADAMS

Town Planning Consultant to the Dominion of Canada

Lecturer on Civic Design, Massachusetts Institute of Technology

"This is the age of cities, and all the world is city-building. . . . In a dim sort of way many persons understand that the time has come when art and skill and foresight should control what so far has been left to chance to work out; that there should be a more orderly conception of civic action; that there is a real art of city-making, and that it behoves this generation to master and practise it." — *Macdonell*.

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This monograph completes an important group of National Municipal League pamphlets, as follows:

Modern City Planning, by Thomas Adams.

The Law of the City Plan, by Charles Backus Williams (Revised 1922).

Zoning, by Edward M. Bassett (Revised 1922).

The Law of Zoning, by Herbert S. Swan.

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MODERN CITY PLANNING ITS MEANING AND METHODS

BY THOMAS ADAMS

*Town Planning Consultant to the Dominion of Canada, Lecturer on Civic Design to
Massachusetts Institute of Technology.*

I. INTRODUCTION

SCRAWNY CITY PLANNING

WE plan our houses and factories. Is it not then absurd that we let our cities grow without plan?

Cities do not grow—all of them are planned. Most of them are planned in piecemeal fashion by surveyors acting for real estate owners, by railway engineers acting for their shareholders and traffic superintendents, and by individual architects or builders acting for their separate clients. The ultimate result is a haphazard collection of plans of land, means of transportation and buildings. But the city interests are not ignored, because every city has more or less power to control these separate plans in the interest of safety, health and convenience. Such control, however, is within restricted limits and the evils that arise from dealing with related parts and problems of the city, as if they were unrelated and disconnected, must remain in the absence of any planning of the city as a comprehensive whole.

Yet in as correct a sense as some houses or factories are planned—cities

are now planned. As the lady planner in Sinclair Lewis' town of Gopher Prairie said—"the planning of many towns is not left to chance. It must have taken genius to make them so scrawny." It is the method of planning that is the fault—not the absence of planning. We want scientific and orderly planning—not scrawny planning.

NEED OF PRACTICAL METHODS

While the ideal we wish to attain by city or town planning is that of a more prosperous and wholesome life for the people, the methods adopted must be intensely practical. There is no real inconsistency between what are called the "long" and "short" view of things. The question is to have the right sense of proportion in regard to both. While we should aim high in ultimate achievement, we should not seek to build to-day beyond what we can complete and render useful with the materials we have. If a man has only sufficient money and materials to build a cottage he would be stupid to start the

building of a castle even if he thought he could ultimately find means and material for such a structure. We should, therefore, plan and build according to our needs but make the contribution of the day part of what we want to achieve to-morrow.

Having in view, therefore, the broad objects of the improvement of the city as a social organization wherein we wish to have healthy citizens and as an industrial plant wherein we want to have efficient working conditions, we should plan to get these things and not leave them to chance.

The first duty is to define a programme of what can be practically done and to avoid fads. One party will be interested in playgrounds, another in civic centres and beautification generally, another in what is called "zoning" for the purpose of stabilizing real estate values, another in traffic and another in housing. With all the special pleaders for different parts of a plan there will be constant difficulty to maintain a proper proportion and to look at the city as a comprehensive undertaking. The usual difficulty in getting a comprehensive plan is due to the lack of appreciation of the reciprocal relations between different factors in city development. It may be that in a certain city the question of grade crossing elimination is a most pressing problem and yet to attempt to solve it by itself may be to lose half the value of eliminating the crossings.

IS IT EVER TOO LATE TO PLAN?

It is no argument that "it is too late to plan." A city is a thing of growth. When a city ceases to grow, either in the quality of its structural improvements or in the quantity and quality of its population it will become a dead city. So long as growth continues, the need of planning prevails. It is equally

idle to argue that no one can foresee exactly how the city will grow, and, therefore, any plan will be defective for lack of accurate foresight. There is no question that it is beyond the power of any man to plan a city exactly as it is going to grow. The best he can do is to bring to bear upon the problem accumulated knowledge and his art and the least he will accomplish will be to prevent the recurrence of mistakes, to give "vision" to the problems of the city and to show how the wasteful results of haphazard development can be avoided. The automobile has introduced new problems in city growth that make the present time specially appropriate for planning or re-planning cities and towns.

FUNDAMENTAL ELEMENTS AND SERVICES OF CITY

The three main problems in developing and planning a city are:—

(A) ECONOMIC CONDITIONS AND CONTROL OF LAND DEVELOPMENT

The method of laying out and regulating the subdivision of land, including the assessment of land values for taxation, and delimitation of areas for open space and agricultural use, has an important bearing on all problems of civic growth and the health and prosperity of the citizen. To secure economic development and healthy industrial and housing conditions, it is necessary to plan the land in large areas and regulate its use in advance of building.

(B) ADEQUATE AND PROPER FACILITIES FOR INDUSTRIES

These include convenience in development of land and the reservation of the most suitable sites for industrial plants; room for expansion, proximity of plants to homes, and efficient services.

(c) WHOLESOME HOUSING CONDITIONS

The city plan should secure pleasant surroundings for the homes; the restricting of areas for use for residences of different character; the encouragement of the ownership of homes; and the efficiency of those services necessary for health and recreation.

CITY SERVICES

The services which we require to make industry and homes prosperous and wholesome are (a) good sanitation (drainage and water supply), (b) convenience for transportation by railroad, waterway, etc., including railroad lines and terminals, (c) power and light, (d) communication by road including the major street plan and adequate provision for trolleys and vehicular traffic, (e) zoning or delimiting of areas to regulate the kind of use and the density and heights of buildings on the land, (f) the civic features or monumental structures which express the civic spirit of the community, (g) the parks and recreation grounds and the placing and grouping of schools and churches to serve essential social needs. No plan should be prepared which does not take into consideration these six groups of services, all of which are essential for efficiency and economy.

The efficiency of industry depends, for instance, not only on a good system of railroads and streets or on the proper relation between the industrial and residential area, or on recreation facilities for the employees and their children. It depends on the connection or relation established between these things by a properly balanced plan. The approaches to the railroad terminals have an important bearing on the location of the terminal. No one can determine the proper width of a street without regard to the height and density of buildings permitted to be erected upon their frontage, as well

as the amount of traffic they have to carry. Even the character of the paving of a street cannot be settled without some study of whether it is to serve the purpose of industry or of residence.

SUITABLE AREAS FOR PLANNING

The following are suitable geographical units for planning:—

1. *The Region.* Comprising metropolitan areas or any large industrial or mining area having a distinctive character or a common centre, consisting of several municipal areas, or parts of such areas.

2. *The City.* The administrative area of an incorporated city.

3. *The Town.* In general a small city incorporated as a town but in some of the United States equivalent to a township or incorporated rural area forming part of a county.

4. *The Township or Rural Municipality.* A subdivision of a county, perhaps including small towns and villages.

5. *The Village.* Small populated place not having reached the status of a town.

What is called city planning and town planning may be said to have to do with one of these kinds of area. It is important that study be made of regional areas as it is only by the study of such areas that there can be a proper appreciation of the distribution of industry and of the interdependence of town and country. We hear much of city planning and something of country planning, but what is most wanted is the planning of the town-country which is comprised in the region.

The planning of the small growing towns and villages and the regional areas in which they are situated presents most scope and opportunity for effective work.

In America, the term "city planning" has sometimes incurred odium because it has been associated with

expensive remodelling of areas already built upon. It has also been too often regarded as being restricted to reconstruction schemes whereas it should deal to the greatest extent with the problems of new growth. To carry out surgical operations on areas already covered with buildings is a difficult and costly process. For instance, the widening of a street on which extensive office buildings are already erected or the creating of a new diagonal street

through a congested area are operations that are almost prohibitive in cost. To apply the same amount of money to the work of prevention in areas in course of development or not already built upon is the cheapest and more effective method of planning. Moreover, the proper planning of suburban areas indirectly helps to relieve the congestion and lessen the difficulties of replanning the crowded centres which they adjoin.

II. THE METHODS OF THE CITY PLANNER

ORDER OF STUDIES AND PLANNING

Some writers suggest that transportation and zoning are the two factors that need to be considered first and that a plan of the park system and of the civic centre can be left to be dealt with at a later stage. In making this statement, they are suffering from the natural disappointment that has followed from the excessive emphasis that has been placed in the past on the park system and the civic centre. They are proposing, therefore, to go to the other extreme with a view to avoiding too many complications and are seeking to cut up the plan into water-tight compartments as if they could be separated. They cannot be separated if a good result is desired. At the same time, if a city must limit its operations to one or two things at a time, undoubtedly transportation and zoning are the two most necessary things to consider. In the judgment of the writer, however, the distribution of work should not be made between the different parts of a city plan but in the following order, namely:

1. Reconnaissance survey of the city and surrounding region;
2. Tentative skeleton plan of the region based on the survey;
3. City survey;

4. Complete working plan of the city adapted to the law of the state or province.

If a beginning must be made on a small scale, it should be made by making a survey of the existing conditions. This survey should not be too elaborate. A mistake can be made by aiming to make too complete an analysis of a city just as well as by omitting essential investigation. The most necessary things should be done for the purpose of getting a proper plan and the successful planner is the one who knows what to eliminate as well as what to include.

Then there are problems like railroad location and relocation regarding which it is idle to put forward a counsel of perfection. The most that can be done in this connection is to persuade the railroad engineers to fit their schemes in with the plan of the city. It is useless to propound a plan over their heads and to attempt to force the railroad companies to spend money for the benefit of the city if the expenditure produces no benefit to themselves.

RELATIVE IMPORTANCE OF CITY PLANNING AND "ZONING"

The most intricate problems in city planning are probably those which are

least popular and least spectacular. The "zoning" plans which are now being prepared for many cities require less specialized knowledge than the other matters which need to be dealt with and may involve the suppression rather than the exercise of imagination. To a large extent they depend for their successful application on intimate local knowledge. The zoning expert may have acquired the knowledge to present his data in an intelligent form. He may know the arguments to use to "put it over" with the citizens and he may have collected information in other cities which enables him to give valuable advice regarding the many cases that require special treatment. On the whole, however, a plan that is limited to "zoning" can be prepared by an intelligent city engineer with comparatively little expert assistance. But no plan should be limited to "zoning" and no "zoning" should be done with the main object of stabilizing real estates' values. A plan should increase real values and not stabilize unreal values based on speculation.

The principle of restricting a district to residential purposes is already recognized by private owners of land who frequently dispose of lots for the erection of houses under certain restrictions. These may fix the minimum cost of each dwelling or define the character of dwellings. The application of this principle has been more or less confined to houses of well-to-do people and has been mainly used to prevent small working-class dwellings or stores being erected in proximity to larger houses. In a sense, it has been based on class distinction and on the assumption that a comparatively cheap house erected adjoining a dearer one would have the effect of depreciating the value of the latter. What matters most, however, is not the amount of money spent in building a house but that the dwelling

be tastefully designed, and have spacious and agreeable surroundings.

The control of the surroundings of homes by city planning regulations is more important than the fixing of a minimum cost. As the principle of restricting a residential district has been adopted in private covenants by owners of land, it is only extending an existing practice to impose restrictions on residential property by law. But under the law, a different method must be pursued. It would not be proper even if desirable to restrict the value of houses erected in a particular district by statute. Reliance must be placed, for the purpose of getting good conditions, on provisions governing the sizes of lots; the prevention of structures of an unsightly character; the securing of proper sanitary conditions and the limitation of height and use.

Cities need to have control of the subdivision and building development of land outside of their own boundaries or what is the same thing, the inclusion within their boundaries of areas of agricultural land.

Many cities find it difficult to incorporate outside areas because they have waited too long and allowed undesirable and insanitary forms of building development to take place over their borders. If they had taken in the land when it was used for agriculture they could have imposed restrictions which would have prevented wasteful and scattered development. Not having done so, they wait until the district is built up with scattered houses, in some cases without sewers or water or other local improvements, and they find that to take such districts it means the expenditure of large sums of money in bringing them up to the standards of the city.

On the whole, it is better either to take in land before it is subdivided or else to make it a condition on the occa-

sion of incorporation that the outside land shall be provided with proper sanitary services before it is added to the city. A third plan is to make it a condition of incorporation that no charge shall fall upon the city at large in respect of the cost of bringing up the standards of the outside area to the standards of the city.

Under the law of several states, cities and towns have been given power to control, in a measure, the subdivision of the areas adjacent to their boundaries.

APPOINTMENT OF CITY PLANNING COMMISSION

Before the work of selecting the area to be planned or of preparing plans is proceeded with, a city or town council should decide whether or not to appoint a city planning commission under the state law, if such a law exists. The objections to the appointment of a commission are not such as to counterbalance the great advantages to be obtained from having a body giving exclusive attention to the work, but its expenditures should be under the control of the city council.

EMPLOYMENT OF EXPERT ADVICE BY CITIES

The work of preparing a plan will probably involve the employment by the city of an expert consultant or group of consultants to collaborate with the city engineer. The expert should be engaged to direct the making of the preliminary survey as this is really part of the whole operation requiring continuous expert direction through all its stages. While an expert consultant is needed he should be employed on the understanding that the survey and plan are not to be his work but the joint work of the engineer and himself.

It is necessary to take full advantage of the knowledge of local conditions

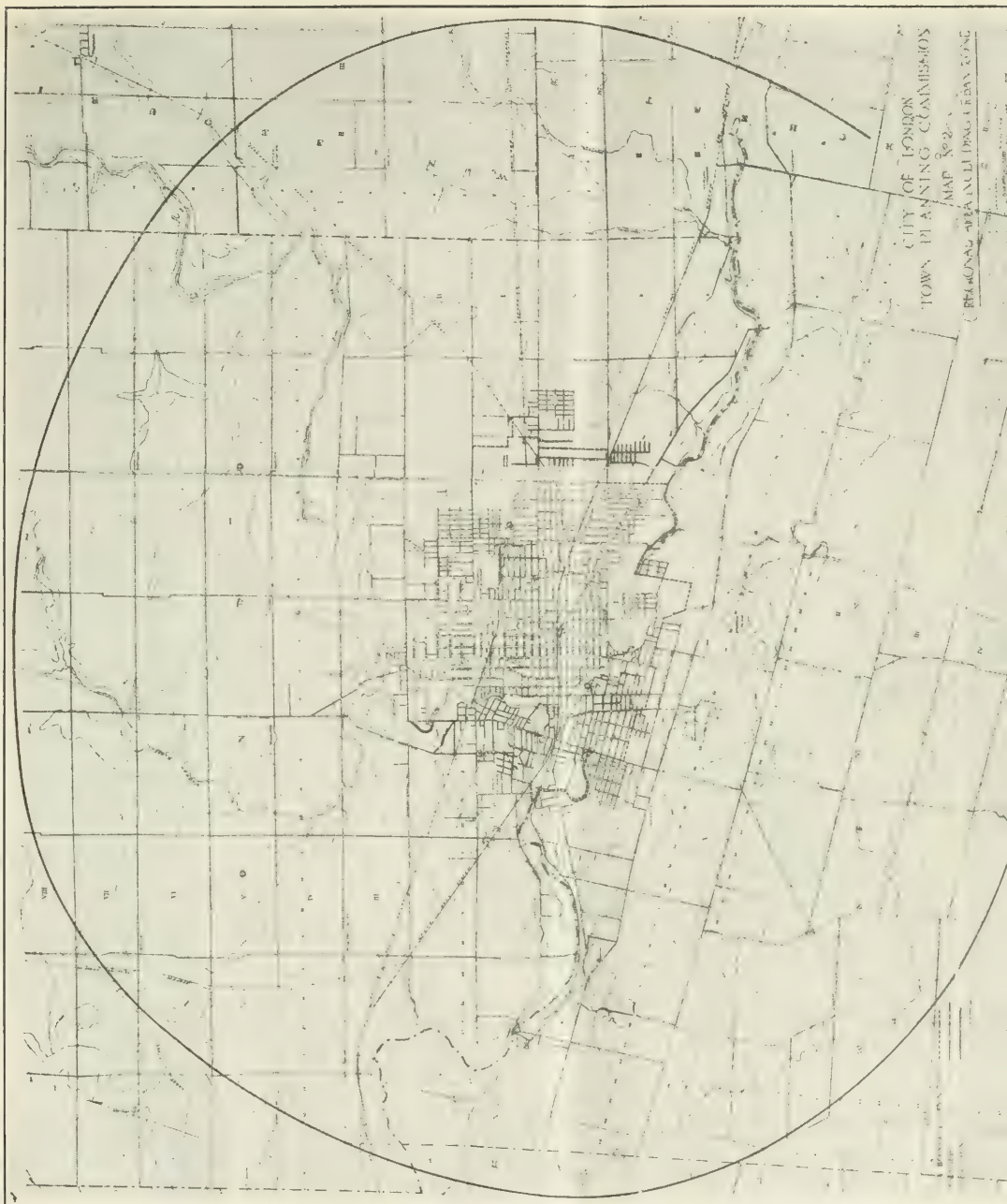
possessed by the engineer and also to make the engineer feel that he is to be given both responsibility and credit for preparing the plan. This is needed for the sake first, of economy in making the plan and second, of assuring that when the plan is prepared it will be sympathetically carried out by the man on the spot.

A good plan must be capable of variations to suit change of conditions, and is never complete. The continuous work of carrying out the plan and the important task of adjusting it from time to time to suit new conditions are matters that can only be dealt with by a permanent officer of the city working under the direction of the town planning commission. While, therefore, it cannot be questioned that valuable aid can be given by an expert consultant, who has made a special study of city planning over a long period of years, his services should be employed under circumstances which mean that he will collaborate with and not supersede the engineer.

No detailed guidance as to the methods of making a survey or plan in a particular city can be given, but a summary of matters to be studied is given in an appendix. Actual operations must be under some directing head. Methods of carrying out these operations will vary according to the qualities of the adviser and the local circumstances in each case.

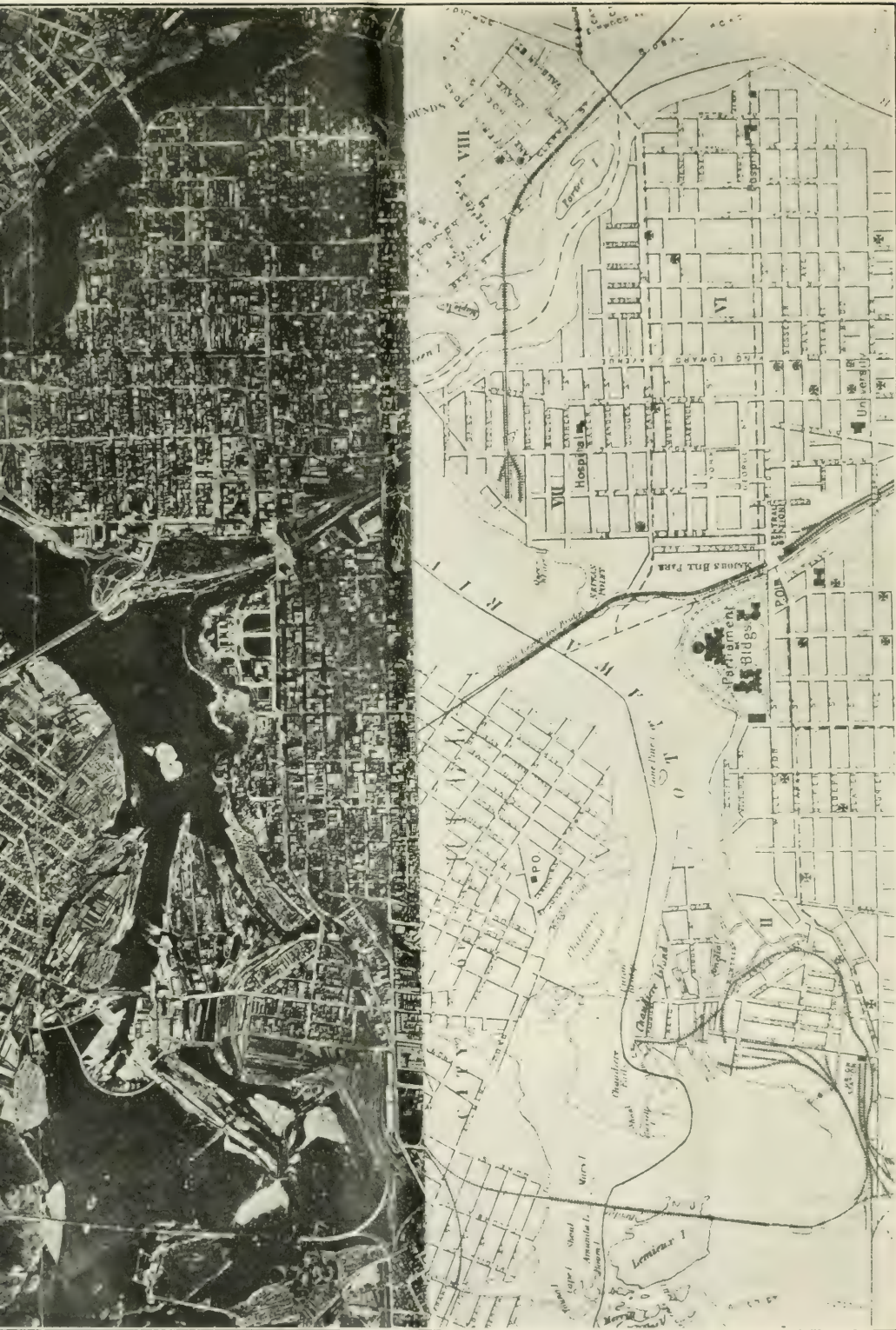
EXISTING MAPS AND DATA

The first practical work to be done in planning a city or town, after the appointment of a city planning commission, is to collect copies of the existing topographical and subdivision maps and other data available. Where federal maps on a scale of one inch to one mile are available, they should be obtained to show the city and surrounding region.



REGIONAL PLAN

Urban zone round City of London, Ontario, showing area within five miles being planned. Sub-divisions within mile radius must be approved by the City Plan Commission. All sub-divisions made to date that lie outside the city limits are shown on this map



Comparison between aerial and topographical maps of part of City of Ottawa, showing greater accuracy of detail on aerial map

A second map should be prepared showing the city and adjacent metropolitan area or urban zone up to from three to five miles of the city boundary. This should be on a scale of 1,000 to 2,000 feet per inch. The main street and highway system, waterways, railways and other broad features in the development of the area should be drawn on this small scale map.

A map of the city area on a scale of from 200 to 400 feet to one inch showing the buildings and topography within the city should then be prepared, similar to the topographical survey map of the city of Baltimore. This should show the existing streets and blocks as accurately as possible and the levels of the land in the form of contour lines at five-foot intervals. With the aid of the insurance maps and special surveys, all buildings and other physical features should be added to this map. If this map is properly prepared it will give as good an idea of the distribution of the population as can be obtained in any other form and, at the same time, show the density of distribution of the buildings. It is more desirable to spend time on getting the existing buildings shown on the maps than on working out maps of population densities which are of comparatively little value in diagrammatic form when the character of the buildings is not shown.

There will now be three maps: Map No. 1 of the region, one mile to one inch; Map No. 2 of the city and surrounding urban zone, 1,000 to 2,000 feet to one inch; and Map No. 3 of the city, 200 to 400 feet to one inch. All subdivisions in the metropolitan area as well as in the city should be shown in broad outline on Map No. 2. On this map it is intended that a skeleton and tentative plan of the main highways, railways, parks and parkways (existing and proposed) should be drawn.

Where a city can afford the expense it will be of great value to have a special topographical survey map made of the whole city. Such a map will be of special utility in cities where there are considerable areas of undulating land. In some cases where there are exceptional difficulties caused by hilly ground, an accurate and complete survey of the city or part of it will be essential.

AÉRIAL MAPS

A topographical map should also be supplemented by an aerial map. Aerial maps are of great value for town planning purposes, especially in visualizing the natural features and densities of buildings of the city. The Canadian Government, probably more than any other government, have recognized the importance of civil aviation as a means of mapping territory and the Air Board of Canada are giving assistance to other branches of the Civil Service and to cities in making mosaic sheets. Referring to this matter the annual report of the board for 1920 says:

The value of such mosaics to the general public can hardly be estimated, as they will be far more easily read and understood than a map and infinitely more interesting. They are invaluable to the town planner and go a long way to solving most of his problems.

The aerial mosaic should not, of course, be relied upon for accuracy of measurement. A ground survey is necessary for this purpose, but the mosaic is a most valuable addition to maps prepared on the basis of an actual survey and should be obtained by cities for city planning and other purposes.

PRELIMINARY RECONNAISSANCE SURVEYS

Maps 1, 2 and 3 should be prepared at the same time as surveys of the region and city are made. In making

these surveys, it is essential to have clearly in mind the maximum use to which the knowledge collected can be put. The amount of money available will to some extent influence the character and scope of the survey. The following are among the points that should be borne in mind in approaching the survey:

(1) As already stated, the first question is the selection of the territory to be surveyed and planned. Where it is practicable under the law to ignore the arbitrary municipal boundary, careful attention should be given to the selection of the regional area. If the city boundary must be adhered to, it will probably be found that the best area is the total area of the city.

(2) In planning physical alterations within the territory, a constant balance has to be kept up between what are called the interests of the community and the interests of the individual.

(3) Different problems should be dealt with by specialists in each problem, a group of four specialists being desirable in ordinary cases—one dealing with railroad transportation and termini, the main highway system, street traffic, sewerage and water supply, distribution of power and light and other engineering problems; a second with the question of finance, particularly in relation to assessment and land values, and legal problems; a third with the general physical layout of the city, the park and recreation system, and a fourth the civic centre, and the control of building development. This group will usually include an engineer, a lawyer, a landscape architect and an architect.

The lawyer will not be a planner but a consulting member of the group. The other three will be responsible for the plan. One of the three should co-ordinate the work of all. The width and complexity of the field to be

covered requires that at least three should be employed in the larger cities. One expert with the aid of competent local officials will suffice in the smaller cities and in towns. Care has to be taken not to endanger the plan by too much specialization and consequent lack of co-ordination.

(4) The city plan should have the effect of encouraging rather than of restricting growth. It must be elastic and capable of modification but only under conditions based on principles and not on local expediency. Even slight changes may cause injustice and should only be made with the aid of expert advice.

(5) The city officials and citizens should be definitely pledged to assist with the preparation of any plan so that their permanent co-operation may be assured.

(6) While the survey may be made to relate to different questions such as "zoning," or railways, with advantage, the final plan should be comprehensive and deal with all the features of city development.

(7) As in one sense city planning is control of the use and development of the land for the purposes of industry or residence, the system of assessment should be adjusted to conform to the restrictions affecting use.

(8) The present indiscriminate mixing of buildings destroys land values, but it is possible that too arbitrary a system of zoning might have the same effect.

(9) Too much detail should be avoided. Much that comes under the heading of city planning can be best dealt with in a building or housing ordinance.

(10) Buildings should diminish in depth from front to rear as they rise in height, but no standard can be recommended as every city requires special treatment.

(11) Limitation of the number of houses per acre is not usually practicable on this continent. Therefore, the lowering of density has to be obtained by limiting the amount of each lot that can be built upon. This is better than the fixing of the sizes of lots.

(12) In districts where it is practicable to make a partial regional survey, this should be done, even if the plan to be prepared has to be restricted to the area of a city or town. In any case, a complete city survey must be prepared as the basis for a city plan. While the maps to be prepared are generally the same in all cities, sometimes it is necessary to prepare different maps to suit different local conditions.

CITY SURVEY

After the survey and tentative skeleton plan of the region is made, a more ample survey of the city will be required.

Map No. 3, already alluded to, having been prepared will show the topography as precisely as practicable, the buildings, streets, boundaries of blocks and railways within the city. From the tracing of this map, a number of prints should be obtained by litho process so as to get a clear reproduction. Probably a dozen copies will be sufficient for most purposes. With the particulars thus obtained, the following colored cartoons should be prepared:—

Map 3 (a). Transportation map, showing existing railways, stations, waterways and harbors, markets, etc.;

Map 3 (b). Street services map, showing existing street railways and proposed extensions, water mains, sewers, power lines and different kinds of street pavement;

Map 3 (c). Street traffic map, showing main arteries and focal points, level crossings, street railway intersections, street collision points and (if census be taken of traffic) number of points with reference to figures in report. On this map lines should be drawn in color showing the areas within a quarter of a mile of any street railway;

Map 3 (d). Land valuation map, showing the assessed values of land in blocks at the different values per square foot or per foot frontage. Thus blocks \$5 to \$10 per square foot or \$500 to \$1,000 per foot frontage would be shown in one color and at \$1 to \$5 per square foot or \$100 to \$500 per foot frontage in another color;

Map 3 (e). Existing conditions map, showing the existing industrial, business and residential areas, parks and parkways, and sites of public and quasi-public buildings.

By careful presentation with a prearranged notation of colors and marking Maps 3 (a), 3 (d) and 3 (e) may be combined as one "existing conditions" map.

III. THE CITY PLANNER'S PROBLEMS

THE STREET AND TRANSIT SYSTEM

With the information available on the above maps, it will be possible to proceed to the next stage and prepare a plan of the city. The first matters to be considered are as follows:—

(a) Proposals for the alteration of railway trackage, questions of union terminals, removal of grade crossings and questions of levels in railway approaches involved.

(b) Arterial highways, their alignment, width and connections.

(c) Approaches from the centre of city and main means of communication to the railway termini and proposals for relief of traffic congestion.

(d) Questions of widening existing highways, erecting bridges or subways and creating by-pass roads and of relieving of traffic congestion by rounding street corners and widening at intersecting streets.

(e) Alternative proposals to (d) in regard to obtaining more traffic room in streets by placing sidewalks in arched ways through the buildings, building subways, rerouting street cars, etc.

In studying these problems the emphasis should be placed on obtaining results which will combine the greatest convenience and permanence without excessive cost. It is not always the most expensive scheme that is the best and a "radical" solution may be suspected if it happens to follow the line of least resistance and is put forward without a thorough consideration of more simple alternatives.

The planning of intervening areas (site planning) should as a rule be left to be dealt with by the local city planning commission acting in co-operation with the owners of real estate. The commission should, how-

ever, have certain principles drawn up for its guidance so as to secure that the intervening areas will be laid out with due regard to the general plan. Any proposed new highways should be correctly shown. Where there is an absence of accuracy, it will be necessary to provide for limits of deviation of the highways.

The general problems of circulation and traffic and of distribution of freight and supplies are among the most important to be studied. Too much expense is involved in the modern city in the moving of persons and in the distribution of supplies, owing to bad location and inconvenient approaches to the railway depots. On this continent, more attention requires to be given to rapid transit by trolley and street car than in Europe. The long distance railroad is not adaptable for local traffic. City streets in America have to handle much of the traffic by automobile truck that is handled by the smaller railroads in places like England.

The transit facilities have much to do with the problem of housing and the values which people have to pay for land as sites for dwellings. In considering the case of widening streets for purposes of rapid transit, the relative cost of trolleys, elevated roads and subways should be considered. The elevated roads cost over three times as much as the trolley, and the subway lines over ten times. Congested traffic is not a result of one thing such as a narrow street but is the result of defective planning of a city in a number of its features. Similarly, no one remedy is likely to be satisfactory. In some cases where a drastic remedy like widening a street seems to be necessary, a more simple operation like rounding the corners of the intersect-

ing streets may be sufficient, along with better control of the traffic. One of the most pressing problems of modern times is to find a means of decreasing the cost of distribution. This involves the study of markets in relation to the railroads and highways.

The street system may be broadly classified as consisting of main traffic arteries, major streets and minor streets, the latter being purely residential. The first would consist of those which form the main arterial system of the city and the links between the city and other populous centres. It should also include circular roads connecting up the radial lines so as to distribute traffic before it reaches the centre. The second would include all business and connecting streets in the city. The third would be mainly confined to residential districts. The desirable widths might be classified as follows: Main arterial highways, 80 to 120 feet wide; major streets and parkways, 60 to 100 feet wide; minor streets, 30 to 66 feet wide.

All forms of street or sidewalk obstructions should be prevented and the setback of buildings should be arranged so as to enable business premises to have their signs and other projections on their own property. All public garages should be set back at least 30 feet from the street line.

In the planning of the sewerage and water-supply systems, it is necessary to study these in relation to the highways, the topography of the land and the use to which the land is put, but the plan of these and other underground services should not be mixed up with the general plan of the city.

THE "ZONE" PLAN

The next stage in preparing the plan is to consider the question of "zoning." In "zoning," we have to deal with three kinds of regulations. First,

restrictions as to use; second, as to height and third, as to the "area of occupancy" or the density of building per lot. A usual and not undesirable classification of uses is:—

- (a) Heavy industrial and general purposes areas;
- (b) Light industrial, including warehouses;
- (c) Business, comprising retail trading, offices, banks, etc.;
- (d) First residential district comprising detached and semidetached houses;
- (e) Second residential district comprising in addition to detached and semidetached houses, duplex houses, apartments and small neighborhood business centres.

Residences should not be excluded from (b) nor light industries from (a). Public garages and billboards should be excluded from (d) and (e) by implication. Public buildings, churches, schools and houses used for professional purposes should be permitted in (b), (c), (d) and (e) but the areas in which they are allowed to be erected in (d) should be definitely defined on the plan. It might be arranged, if so desired, to exclude public buildings, churches, etc., from district (d), in cases where a majority of the inhabitants so decided.

With regard to height there is still room for a great deal of improvement in the public attitude towards the limitation of height of buildings. There should really be no restriction of height in business districts, subject to there being adequate open space and width of street surrounding the building. Height should not be governed by an arbitrary figure of a number of feet or number of storeys but by the relation between the open area adjacent to the building and the height. Different percentages should be adopted according to local conditions. Where

the area of lot occupancy in a business district is 100 per cent, part of the building should not be allowed to exceed one storey, and rear entrance from a back street or lane should be required. In the case of industrial and business buildings 90 per cent might be permitted to go up to a height equivalent to the width of the street where they front. Beyond that height the building should be required to be set back as it increases in height. In residential districts the heights should be limited to two and a half or three storeys in (d) and six storeys in (e) but in the latter case, the question of the amount of open space surrounding the building would determine the height permitted. The ideal is to secure a 45 degree angle of light to the front and rear walls of all buildings.

PARKS

The third stage consists in the planning of the open spaces, water fronts, architectural features, grouping of public buildings and where practicable, reservation of a productive agricultural belt. In this third stage the architect and the landscape architect are chiefly concerned. The existing and proposed parks and parkways should be mapped. The park system, consisting of parks, recreation grounds and parkways, should be studied in relation to the street and railroad system. The city should plan this system well in advance and maintain rural parks as well as city parks. They should not be less than three per cent and should if practicable be ten per cent of the area of the city and should form a connected system. Wedge-shaped parks are better than circular parks. Parks are essential to the preservation of the city as well as for the recreation needs of its citizen. A city may obtain revenue from a wild or natural park if

it plants it with trees or grass for pasture and trains it as a productive park.

Each city should carry out a campaign in educating public opinion as to the commercial value of parks. Mr. Flavel Shurtleff in his book on "Carrying Out the City Plan" gives a table of the percentage of increase in the value of 943 park areas in New York between 1908-11. This showed that 19 parks increased in value over 2,001 per cent, 273 parks increased in value from 201 to 2,001 per cent, 154 from 25 to 154 per cent, and 91 less than 25 per cent.

The increase in value of the park areas themselves should be accompanied, if the parks are properly selected and planned, by an increase in the value of adjacent real estate. Indeed, it is profitable for large owners of real estate either to give parks or to submit to special assessment on adjacent land to cover their cost. Kansas City, Missouri, has had the greater part of the expense of its parks paid by special assessments on abutters in six park districts. A magnificent park system has thereby been built up at little cost to the city; and land owners compete with each other to secure parks for which they themselves must pay. The Board of Park Commissioners of Kansas have shown figures to prove that parks enhance values "in excess of the entire cost" and that constant pressure has been brought to bear upon the board for the extension of the park or boulevard system.

But care should be taken not to burden either the city or the real estate owners with more unproductive park area than is economical for the size of the city.

THE CIVIC CENTRE

The civic centre needs to be planned in connection with the other physical features of the city. In a sense, it

should be subordinate, because of the expense of constructing monumental buildings. It is bad for the public interest to erect extravagant structures. Most cities lack beauty, not because they lack public buildings but because of an untidiness arising from want of care in controlling the surroundings of the buildings they have. There is no reason, however, why a beautiful building should cost more than an ugly one. It is simply a case of getting the right kind of advice. The surroundings of the building are just as important as the building itself. They should be spacious, but not to an extent which will dwarf the building. There should be a relation between the space and the height and bulk of the building.

One important problem to be always considered in planning is the proportion of cost of improvements which should be borne by the city at large and the owner of the land. The Somers system of real estate valuation suggests the spreading of the cost on the basis that the frontager should pay the total for a sixty-foot street. This, however, is rather high. A forty-foot street is sufficient to meet the local needs of residential areas, and sixty-foot of industrial and business areas.

SITE PLANNING

As already indicated, it is undesirable for the attention of the city planner to be diverted from the consideration of the general city plan to detailed development of subdivisions. There will be occasion to deal with subdivisions that occupy strategic sites or have some peculiarity which makes them important in relation to the general plan. For instance, it may be found that a subdivision is already laid out and registered in a position which occupies the best line of approach to the city by an arterial highway.

In such a case, the city planner requires to bring all his powers of persuasion to bear upon the owner of the land to have the subdivision changed. It would probably be easy to convince such an owner that the change would be desirable in the interests of his property, but everything will depend on the way in which he is approached and the tact shown in bringing forward the advantages of the proposal.

In the course of preparing the general plan, the city planner should not ignore applications of owners to help him with the planning of their subdivisions. While it may be a mistake to initiate detailed work of site planning, he should be ready in all cases to accept opportunities to plan sites so as to fit them in with the general plan of the city.

In site planning, that is, the planning of small areas for industries or houses, the governing features may be said to be the relation between the street plan of the site and the main lines of communication of the city, adjoining or intersecting the property. Here we have to deal with the points of connection, the directness of route of the streets across the property, grade, best locations for crossing railways or rivers by bridges or subways. In considering directness of route in relation to grade, it is preferable to have easy curves rather than sharp turnings or jogs. This is particularly true in the case of the main highways. Connections with main arterial highways should be at right angles as far as practicable. In dealing with hilly land, it will often be found better to have steeper grades rather than side-cuts.

In planning minor streets, the planner should introduce varieties in the form of development such as quadrangles and small squares. An effort should be made to secure the subdivi-

sion of the corner lots so as to encourage those erecting buildings to have an orderly and pleasant treatment of the building elevations at the corners. Nothing condemns the orderly rectangular subdivision so much as the ugly effect which is produced by corner houses having their gables on the side street with long flankages not occupied by buildings. Road junctions require to be specially studied. Where roads meet at one point ample room must be given for distribution of traffic.

ALLEYS OR LANES

One of the important problems that will have to be considered is the question of alleys or rear lanes. There are those who advocate that rear lanes should be provided under all conditions and for all classes of building. There are those who condemn them unless they are paved and lighted in the same manner as the front street which practically makes them back streets. There are those who consider them as only being essential in business centres and crowded residential areas. It is impossible to lay down any rule regarding the desirability of having lanes. Everything depends on the local considerations. It is conceivable that even in a widely-scattered residential district, lanes would be desirable on condition that all the public services were placed in the lane. On the other hand, it should not be overlooked that the cost of making a street and a lane may be higher than the owner of the property can pay. We must recognize that a lane is only desirable when it has some form of pavement, is properly drained and is free from nuisance. It is the opposite of being desirable if it is used for dumping garbage or if, owing to laxity of control, habitable buildings are permitted to be erected upon its frontage.

The cost of providing lanes may be greater than the cost of providing extra frontage to enable the householder to get access to the rear of his property for vehicles by the side of his dwelling. If the cost of the side entrance does not greatly exceed the cost of providing the lane, it should be preferred in residential districts. A lane is not necessary for providing air space at the rear of buildings, whereas the side entrance for vehicles has the double benefit of giving access to the rear of the building and giving adequate light and air where it is most needed. There can be no question as to the need for lanes in districts where houses are erected in continuous rows or in areas where the lots are devoted to continuous business development.

DEPTH OF LOTS

Important considerations arise in connection with the depth of lots. When blocks of building land between streets are too shallow, the tendency is to use the whole depth for the business occupying the frontage on one street, thus making the frontage on the second street practically a back entrance. In such a case, the shallowness of the lots is a source of loss to the property owners because it is compelling them to use two streets where a street and a lane would have done. An example of a very good arrangement for a business section is shown in Craig's plan of Edinburgh. Here the main business streets of Princes Street and George Street have between them a narrow parallel street. This narrow street is used for second-class business and for rear access to the principal hotels and department stores on the main business thoroughfares. Although this narrow street is only about 30 feet wide and is therefore little more than a lane, it combines the uses of a secondary

business street and a lane, it is properly paved and lighted and is more economical than having a third street of full width or a narrow lane of no use except for rear access.

INTERSECTIONS

What should be the length of intersections between streets is not always easy to determine. One main street in a city has forty intersecting or tributary streets over a length of less than a mile. From the point of view of business, the number of intersections probably tends to increase the frontage that is available for business uses. Many people argue that numerous intersections are necessary to spread business off the one main thoroughfare into the side streets. On the other hand, when a street is used for street cars and these have to stop at every cross street, it becomes a serious objection from the point of view of rapid transit. These are matters which are, for the most part, settled when the original subdivision is made.

PRESERVATION OF TREES AND OPEN SPACES IN NEW SUBDIVISIONS

In the preparation of city plans, it is important to preserve sufficient trees, particularly in residential areas, to give a certain amount of furnishing to the area and to prevent the bare uninteresting effect produced by looking on a number of new buildings without any of the natural relief obtained from foliage. The advantage of trees for shade and to some extent as a protection against fire cannot be questioned. Every new subdivision should have recreation space to the extent of one acre for every 100 houses. In certain provinces of Canada, there is a regulation that requires that one acre in every ten acres be left as an open space and dedicated to the public. This is a good rule even if it

cannot be applied consistently without some injustice. If a section of land is crowded thickly with buildings, it should have more open space than a section which is sparsely occupied. One acre in every ten means the provision of a playground to every fifty houses, allowing about five and a half houses to the acre. It is a good average, however, because as time goes on it will be easy to build 80 to 90 houses on nine acres.

If the general plan of the city includes provisions to prevent the erection of buildings on marshy or flooded land, these will automatically become part of the breathing space. Open spaces can frequently be provided on land that is not adaptable for building. The saving in construction of narrow roads next to open spaces is often sufficient to justify the loss of area of building land which results from providing these open spaces.

THE PROBLEM OF THE OUTSKIRTS

One of the tragedies of modern city life and the development of industrialism has been the conflict or aloofness that has grown up between the city and the country. We have ignored the fact that agriculture, as Gibbons says, is the foundation of manufactures. This is truer in modern times in a commercial sense than ever before. It is also true in the sense that physical and mental deterioration in the city has to be balanced by maintaining a healthy and vigorous race in the country.

Unfortunately in many country districts the conditions are productive of deterioration as much as in the crowded city. The proper ideal is to make the city more healthy by introducing more of the attractions of the country, and to make the country more healthy by extending to it more of the attractions of the city. The present tend-

ency continues; even politically, towards further conflict between city and country interests. Often the worst building development takes place in the rural areas surrounding large cities. The greatest difficulties of obtaining effective control of highways, sanitation and of land development are probably to be found along the fringes just over the boundaries of cities. The rural municipality, very often having the outlook of a purely farming population, regards the suburban excrescence of the city as an undesirable encroachment, even if it has the redeeming feature of bringing some added revenue. The rural council has not been accustomed to deal with that class of development and it leaves it uncontrolled or governed by rural standards, quite inadequate to meet urban conditions. On the other hand, the city looks upon the overflow into the rural territory as something to be discouraged because it naturally does not favor the loss of its inhabitants. For that reason, it avoids extending its water supply or its sewerage system to the outside areas when it can do so.

Thus the selfish interests of the city and of the country mean the neglect of the very territory that most needs planning and the laying down of the soundest conditions of development.

To make matters worse, the extension of cities takes place in a haphazard way and on no definite principle with the consequence that the township authority suspends improvements as long as it can in the hope that it will be able to escape its obligations altogether, while the city authority defers as long as possible any movements for extension.

The absence of a uniform state system of assessment is a further cause of trouble and it is round the question of assessment that the final battle is

usually fought when the question of extending a city area comes up for consideration. The final result is usually a compromise giving the inhabitants of the rural area enjoyment of a fixed assessment for a period of years and saving the city some money for development. The general interests and welfare of the community are ignored in a struggle for the best financial terms. The making of regional surveys will perhaps help us to arrive at some better method of readjusting municipal boundaries in the interests of both the city and the adjacent rural territory.

AGRICULTURAL BELTS

Mr. John Irwin Bright has put forward a proposal* for developing productive belts around cities. Were this proposal followed up it would revolutionize town development in America and reestablish a proper equilibrium between town and country. The significance of such schemes, and of movements leading to the creation of Garden Cities and Farm Cities, is that they are showing the way towards a new conception of the principles on which modern cities should be encouraged to expand. The productive agricultural belt or wedge will be as essential as the public park or playground in the city of the future. If the large modern industrial city is to be preserved from decay and disintegration when it grows still larger, it must develop a system of lungs on a greater scale than hitherto, and productive parks are more economical and practicable for this purpose than recreation parks. The needs of the population for open space and nature is greater than their needs for recreation space or than is practicable to provide on a non-productive basis. That is the reason for the significance

* Journal of American Institute of Architects, 1920.

of the Garden City plan with its agricultural belt.*

Many years may elapse before this idea takes a full hold, but it is not conceivable that future generations will be so blind to the evil tendencies of unrestricted expansion of congested urban areas as to reject the only effective solution. The control of the development of land is essential to this solution of the problem of congestion. Large areas of land near and within cities can be more economically used for agricultural production than for building, because their levels are such as to make the cost of conversion into building land and construction of local improvements excessive in comparison with the values they create for building purposes.

The fourth and final stage would con-

sist in preparing the provisions of the scheme or the ordinance which is to give statutory effect to the plan and make it a workable instrument. This raises the question of the law in relation to planning of the city.

The law in relation to city planning has to do with the acquisition of land for public purposes, control of public utilities, water fronts, streets, erection and setback of buildings, traffic regulations, zoning regulations governing the classification and delimitation of areas of land for different uses, heights, and densities of buildings and other matters.

In the United States it has also to do with excess condemnation governed by constitutional amendment in different states and the statutes under them.

IV. CITY PLANNING LAW

EXCESS CONDEMNATION

Those who have advocated the use of excess condemnation of land have often been tempted to make the statement that it pays a city to acquire land in excess of its needs. There does not appear to be any case that can be pointed to as having produced a profit in money and it is doubtful if accurate figures can ever be obtained regarding such schemes. Unless indirect benefit can be obtained either in removing slums or in some form of convenience for the city sufficient to justify the cost of a reconstruction scheme, it cannot be justified on grounds of profit-making. It is conceivable, of course, that the owners of a block of land could make such a scheme profitable to the city and to themselves by co-operating with the city. When, however, the city has to expropriate under compulsory powers, the cost is usually too

great to enable a return to be obtained from the improvement. It is often cheaper, however, to condemn whole properties than parts of properties.

SLUM CLEARANCE

The time will no doubt come in the newer countries like the United States and Canada when the growth of slum conditions will force the hands of the Governments and the Courts in providing methods to carry out schemes of slum clearance at a reasonable cost. Up to the present time, however, city planning in the United States does not place much emphasis on the improvement of housing conditions. In England the Town Planning Act is part of the Housing Act and it was introduced to help to solve the housing problem.

SPECIAL ASSESSMENTS

It seems to be generally agreed that the best way to obtain contributions

* Garden Cities of To-morrow, by Ebenezer Howard.

from owners of land towards public improvements is by means of special assessments levied on abutting and other benefited land to pay a portion of the costs of improvements such as roads, streets, sewers, mains, etc. Assessment statutes in the States permit these special assessments up to the amount of the benefit received by the land, subject to some minor limitations. Assessments in Cincinnati, for instance, range all the way from 0 to 98 per cent. An important consideration in American legislation is to use to the fullest extent the principle of local assessment for local improvements (see Proceedings City Planning Conference 1912, p. 43).

The prevailing rule, although subject to exceptional application in many cases, in regard to the taking of land by the community is that the community has to pay its value regardless of the improvements and regardless of any benefit accruing to the remainder of owners of property. If, however, the owner claims damages to this remainder by reason of the taking of some of property then, according to authorities, in the calculation of these damages to be paid him, there is taken into full account any special benefits that will accrue to this remainder by reason of the improvements. The theory is that the constitution imposes a money compensation for the land taken and therefore the community cannot require the owner to take some of the compensation in the shape of benefits to his remaining land; that where, however, he claims compensation for damages, the damages may consist of a difference between the harm done and the special benefit given to the land not taken.

RESTRICTIONS

The following matters may be regarded as proper subjects for restriction under the police power:—

1. Billboards, while they cannot be directly prevented under the police power, can be made subject to restrictions in the interests of public safety, health and morals, or they may be indirectly prevented by limiting the structures that can be erected in a district of private residences.

2. Prohibition of noxious trades comes well within the powers.

3. Restriction of height of buildings so far as it is a measure of safety.

4. Prescribing density of building on lots is constitutional if for the promotion of health and safety.

5. Building of dwellings on unhealthy areas is a health matter and therefore controllable.

It is doubtful whether the creation of residential zones is entirely constitutional but it is legal to prevent factories which are offensive, stables, blacksmith shops, foundries, etc., from being erected in residential neighborhoods. Thus the law is that factories can be kept out, not because they are factories but because they are offensive for some reason.

MAKING NEW STREETS CONFORM

Neither in the United States nor Canada can the public authority define any tract of land as a street after the original concessions are granted. What they may do is to require that an owner of land who is planning a subdivision shall submit his plan for approval to the city planning commission. The powers relating to this matter seem to be less in the United States than in Canada for Mr. Bettman points out that most of the courts in the United States would decide that the community cannot impose any particular form of lot lines or subdivision. He states, however, that indirectly the same thing can be accomplished, for no street can be made a public highway with a legal status without its accept-

ance by the public. The community can always withhold acceptance unless the street is located as provided in its plan. It may also prevent congestion by

requiring the number of inhabitants or structures to be limited in a given territory subject to this requirement being reasonable under the police power.

V. CENTRAL ADMINISTRATION OR SUPERVISION OF LOCAL PLANNING

In all these matters it is of great importance to have in each state, as in each province in Canada, advisory town planning commissions to assist and co-operate with the cities to investigate problems and assist in framing proper legislation.

A particular value of such a state city planning bureau would be to assist small municipalities that are not in a position to employ men of skill and are frequently led into error and wasteful expenditure. The problems of such municipalities have a likeness and there is a constant recurrence of the same errors in connection with their solution.

The previous paragraph raises the important question of what is the proper relation of a state or province to a city in connection with town planning. It may be regarded as essential to have some form of state or provincial administration of city planning because part of its object is to control and regulate the use and development of land for any purpose. The laws governing the ownership of land and the rights of eminent domain in English-speaking countries are very largely derived from the same origins and based on the rights of property. In the United States and, to a smaller degree in Canada, there has been, during late years, a reaction against state or provincial interference with city government. In some of its aspects this reaction is the result of a healthy desire on the part of citizens to shoulder greater responsibilities and it is the outcome of a democratic

spirit. There are, however, two sides to the question, and, properly stated, this should be not whether the city should have home rule but what is the proper balance of power which should be established between the state or province and the city.

The setting up of town planning commissions in cities appears to be more effective in securing results where these commissions have central expert bodies in the state or province from which they can obtain guidance. Unquestionably the Local Government Board in England—now the Ministry of Health—has contributed largely to whatever success may have been achieved in town planning in that country. But in this case the form of central administration was that of an expert authority and not a body of untrained citizens. In Saskatchewan the Minister of Municipal Affairs, with the assistance of a director of planning, exercises the same powers and few citizens would be likely to take advantage of the Town Planning Act without the presence of that central organization. In Alberta and Nova Scotia little town planning progress has been made outside of Calgary and Halifax because of the absence of any provincial administrative machinery.

Future town planning legislation in Canada will probably have to give added powers to cities but it will be a misfortune if this destroys the interest of the province in connection with town planning. There are areas adjacent to all cities and towns which can only

properly be controlled under provincial jurisdiction.

In the United States, the strength of the movement in favor of more home rule makes it difficult to get appreciation of the value of state assistance in city planning. This movement is the result of political and other conditions, amongst which is the fact that the rural members control the state legislatures and have the rural point of view concerning municipal problems. Most American cities would object to any requirement that a plan in its various details should receive central state approval. Moreover any proposal to set up a Department of Municipal Affairs in those states that have adopted constitutional home rule would be unconstitutional. For instance, in Ohio, cities may, by drafting and adopting a home rule charter, exclude state control except in certain particulars.

The setting up of a state or provincial advisory department in the state or province, however, need not mean an interference with local power. Its value in bringing about co-operative action between the city and its suburban neighbors and satellite communities around it would be very great. It is essential for purposes of regional planning. It would also be useful in securing uniform procedure in regard to building ordinances or by-laws in co-ordination of system under which the highways and housing are administered. Highways link up communities and do not separate them. There can never be effective highway improvement unless it is dealt with in large geographical areas. Bad housing and improper sanitation are more needed to be controlled in the areas adjacent

to and outside of the city than within the city, and city planning, in its proper sense, must be comprehensive enough in respect of area to disregard arbitrary municipal boundaries. More home rule for cities is not inconsistent with obtaining uniformity of law and procedure with the assistance of essential state and provincial departments in regard to highways, housing and town planning.

It is pointed out by American authorities that Boston has readily accepted state administration of a number of Boston problems more willingly than most cities. It is claimed that this is because Boston occupies such an important position in Massachusetts and is unlike those cities that are subject to state legislatures with a predominantly agricultural representation.

Mr. Bettman points out that, on the other hand the Ohio Legislature is largely representative of the rural districts. Rural legislatures are not conscious of the difficulties involved in solving modern municipal problems. He admits that the combination of city and state will be stronger to resist obstructive legal power in respect of private property, but points out that conflict between the state and city is just as likely to occur as co-operation. He agrees that state city planning commissions should be set up but should not be given veto powers of all local schemes. They should furnish expert advice.

An example of such a department which should be widely copied by other states is to be found in Pennsylvania where the State Bureau of Municipalities acts in an advisory capacity regarding city planning.

APPENDIX

REGIONAL AND CIVIC SURVEY; SUMMARY OF MATTERS TO BE STUDIED

I. EXISTING ORGANIZATION AND AVAILABLE DATA

(1) *Local Government.* State laws in relation to city planning, building codes, etc.; provisions of city charter; existing ordinances governing fire, building construction, streets, etc.; continuity of administration of council or commissions.

(2) *Reports of Previous Surveys and Other Data Available.* Surveys of social or industrial conditions; statistics of population at different periods; tax rate; financial conditions.

(3) *Maps.* Maps of city engineer; railway maps; street railway maps; small scale topographical map of region; blue prints of recorded sub-divisions not shown on city maps; underwriters' maps showing buildings.

II. FUNDAMENTAL ELEMENTS IN CITY GROWTH

(1) *Land System.* Original forms of ownership and division plans of land; influences of original plans on city sub-divisions; typical lot and block dimensions; effect of lot or block sizes on character of dwellings and business premises erected; effect of land speculation on values; what relation the values have to value of improvements; community created values; system of assessment and taxation; assessment for benefits; methods of apportioning cost of local improvements; wherein there is need for better method of assessment and taxation and control of land to promote economic use; relations between city and country districts; regional problems.

(2) *Industrial Growth.* History of industrial growth within the region and particularly within the city; its origins; influences that have promoted or retarded growth of industries; location and distribution of manufacturing plants and wholesale warehouses; opportunities available for future development.

(3) *Homes.* The character of the homes; local types of dwellings; psychology of people; educational opportunities; existing sanitary arrangements; evidence of healthy or unhealthy conditions; vital statistics, etc.; directions in which improvement of surroundings and general housing conditions can be made.

III. PHYSICAL PLAN AND PUBLIC SERVICES

(1) *Means of Communication and Distribution*

(a) Railroads and their termini; electric railways; problems of railways in streets; grade crossings; street approaches to

stations; statistics of local passenger and freight traffic; facilities for transit between homes and places of employment; position of markets.

(b) *Highways and Streets.* General street plan; arterial highways and major and minor streets; widths and laws governing them; how adapted to configuration of land and needs of traffic; relation of widths to height and bulk of buildings; grades; proposed widenings, openings or extensions; traffic circulation; street system and fire prevention; trolley lines in streets; building lines; encroachments on streets and sidewalks; points of collision and areas of congestion; traffic regulation; extent of permanent pavements and sidewalks.

(c) *Waterways, Docks and Ferries.* Connections with railroads; street approaches.

(2) *Power Supply.* Sources and distribution; facilities for extension.

(3) *Building Development.* General distribution of buildings; residence, business and industrial areas; sizes of lots in relation to type and character of buildings; alleys and how used; private restrictions; tendencies in regard to character of dwellings—detached, semi-detached, two deckers, rows or tenements; building on rear yards; typical widths of frontages; position of public garages and oil filling stations; relation of building ordinances to city planning ordinances.

(4) *Water Supply and Sewerage.* Extent of building area served; vacant lots served; source of water supply; pressure for fire purposes; separate or combined system of sewerage; sewage disposal; stream pollution.

(5) *Civic Art.* Placing of public buildings; need of grouping public buildings and control of surroundings; street approaches; relation to street system; convenience of location.

(6) *Parks, Public Recreation and General Amenities.* Shade trees in streets; policy of planting; areas of parks, etc., in relation to population; children's playgrounds; rural park system; connecting boulevards; use of parks; management of park system; encouragement of athletics; accessibility; indoor facilities for recreation; private parks; garbage dumps; protection of water fronts; location of cemeteries.

(7) *Educational and Other Quasi-public Buildings.* Location of schools; school playgrounds; social centres; hospital sites.

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CLEVELAND, OHIO

NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

That recall of two Oregon public service commissioners in May following the commission's authorization of increased telephone rates, as described in this issue, is of perhaps historic importance. Mr. Barnett has been for some years a systematic observer of the workings of the recall in local elections in Oregon and seems to see in this case nothing more notable than the fact that this is the first use of the recall in his state for state-wide officers, so perhaps we overrate its significance. We received the article after this issue was closed and squeezed it in for its news value but we shall correspond further and get additional viewpoints.

We shall want to know whether the authorization of the increased rates was really outrageous, one indication among others that the commissioners were untrue to their trust, or whether the people were merely voting irresponsibly for lower telephone charges. And what did the new candidates promise, not having listened to the evidence? And what happened to the telephone rates after the new men were installed? We will find out in time to report further in the next issue.

Of course, a recall election is no different from any other except that it hangs upon a special occasion instead of upon the calendar, and the commission's decision, if it had come close before an election, would have thrown

the question into the public arena in much the same way. It is not the recall that is to be challenged so much as the principle of having public service commissions elective at all. If judicial or quasi-judicial decisions, especially in cases where the evidence may be too voluminous, complex and technical for submission through the press, are to be impartial, the court or commission must be safe from political threats, else the people become judges in their own cause!



The great gap in the civic field is the lack of general state-wide civic organizations. There is the New York State Association which has survived its second winter and the California Taxpayers' Association which is older and a source of fine publications on state problems—and that's all! When a constitutional convention comes along, as now in Missouri, a special state association of some kind is improvised temporarily but for year round work in the field of state governmental problems and legislation the other states have nothing. Many cities used to be in like plight but the Rotary and Kiwanis clubs and the modern Bittenheimed chambers of commerce are closing that gap nicely.

Now comes the Pennsylvania State Association announcing itself in May

with a creditable pamphlet that proposes a state budget system, a state civil service commission, a state purchasing agent, economies in state printing, reorganization of the administrative system by consolidating 84 offices, bureaus, departments and boards with an orderly system of 13 departments and two commissions. A new office is proposed, the legislative auditor, under control of the legislature. The new association starts at an auspicious time, if Pinchot wins, and its technical work has been done for it by the recent commission on constitutional revision, saving much costly research. It is financially in bitter need and has no paid secretary as yet. The president is our good friend and League worker, Franklin N. Brewer. There is a representative executive committee and the address is 1720 Chestnut St., Philadelphia. We are putting our membership lists at its disposal and trust that most of our Pennsylvania members will co-operate and join. A contribution to it at this time will be more helpful than checks many times larger after it gets safely on its feet.

✱

A few months from now will come the biennial sessions of the state legislatures and meanwhile there are platforms to be written and campaign promises to be devised by would-be governors and legislators. It is the strategic time for pushing administrative consolidation. Illinois pioneered in 1917 and the story of the sweeping improvements that followed is told in one of our pamphlets. Massachusetts followed with a poor imitation in 1918, then came Idaho whose governor wrote the story in these columns and Nebraska whose results as described in this issue were so good as to necessitate a special session to reduce taxes. Ohio

and Washington, 1921, have just passed the first hard year. The governor of Washington is claiming a saving of \$1,000,000 a year and the governor of Ohio has a testimonial to contribute. We shall assemble the data easily enough but to throw it into the most hopeful state in free-handed abundance is rather beyond our shaky finances. At any rate ours is the task of lining up the facts and we shall be ready with the ammunition even if we are not able to do all the shooting in this strategic year that we would like to do.

✱

By a special gift, our treasurer, Mr. Pforzheimer, has made it possible for us to realize a cherished project that will be known as "Crane's Digest of City-Manager Charters." Dr. Robert T. Crane of the University of Michigan at our instance collected, digested and tabulated the basic facts of the two hundred charters months ago but the finance committee ran into hard sledding and the project was held up. Now we are free to go ahead and we shall presently have a volume of the salient facts about every city-manager charter, the full texts of several of them and sundry information of value to charter revisers. Its predecessor, Beard's Loose-Leaf Digest of Short Ballot Charters dealing mainly with the old commission plan, sold readily and had a profound influence in keeping charter commissions from wandering off into fool complexities.

✱

Our secretary, Dr. Dodds, arrived home in June from Nicaragua where he has spent several months as an expert supplied by our state department to work out a modern election system.

R. S. CHILDS.

A NON-ASSEMBLED CIVIL SERVICE EXAMINATION

BY CLINTON ROGERS WOODRUFF

President, Civil Service Commission of Philadelphia

Although the method has been successful in enough cases to prove its practicality, the application of the merit system and the non-assembled examination to high positions is still relatively rare. :: :: ::

I

PHILADELPHIA had a Chief of the Bureau of Surveys who had become a really influential factor in the City's growth. He had risen from rodman to the highest place in his bureau. Then he was made Director of Wharves, Docks and Ferries. After his term expired he was made Chief of the Bureau again, serving in that position until he was made one of the Board of Engineers for the Delaware River Bridge.

If ever there was a striking illustration of the feasibility of the Merit System, George S. Webster afforded it.

When he resigned there was a vacancy to be filled by a civil service examination. The first question that the Commission had to settle was: Should the examination be a promotion examination or an open one? If a promotional one, then should it be confined to the engineers in the Bureau or to all the engineers in the service of the city? The latter was agreed upon. It was what was known as a non-assembled examination. Candidates were not required to appear at any place for a written examination, but were required to submit a statement of their training and experience and to write a paper on practical problems relating to the duties of the position. Those who qualified in training and

experience and the practical problems were summoned for an oral interview on personal fitness.

The subjects and relative weights were:

I. Training and Experience, showing training and achievements in engineering; to this a weight of 4.5 was given.

II. Professional Papers, selected subjects touching upon two timely problems in the development of the City of Philadelphia, namely, city planning and sewerage; weight 3.

III. Personal Qualifications, showing character, executive ability and capacity to direct a large organization; weight 2.5.

So that the character and significance of the examination may be better understood, here is the way the duties of the office were described:

The duties of the Chief Engineer and Surveyor are to have charge, under the general direction of the Director of the Department of Public Works, of the activities of the Bureau of Surveys. These will include: supervising the preparation of plans and specifications and the fulfillment of contracts for the construction of bridges, sewers and sewage disposal plants and maintenance of the same; studies and plans for extension and relocation of streets; negotiating for and supervising plans for the elimination of grade crossings; passing upon the plans of rail corporations for bridges and railroad tracks; supervision of the testing of materials for public work; and other related work. He is a member of the Fair-

mount Park Commission, of the Board of Surveyors and the Board of Highway Supervisors and acts on various City committees on zoning and city planning.

Under the head of training and experience, to which a weight of nearly one-half was given, each candidate was required to submit a complete statement of his education and professional training, including names of the institutions attended, diplomas or degrees conferred with dates, a complete statement of his experience with dates, giving names and addresses of his employers, exact nature of his duties, salaries received and reasons for making changes; professional connections, membership in societies, papers prepared or published reports for which he was responsible.

In the discussion of practical problems, each candidate prepared a paper of approximately 4000 words on each of the following subjects:

1. Discuss the improvement and rectification of city plan of streets in the central portion of the city to meet present and future conditions, including those arising from the construction of the Delaware River Bridge. The area covered by this discussion is bounded by Lehigh and Washington Aves. and the Delaware and Schuylkill Rivers.

2. (a) Discuss the present practice in the design of storm water sewers and describe the accepted processes of sewage treatment which have particular application to Philadelphia.

- (b) Discuss the necessity of improved communication between West Philadelphia and South Philadelphia giving your ideas as to the best location and type of bridge across the Schuylkill River.

In the preparation of these papers, the candidates were at liberty to consult works of reference, but not suggestions from any person. They could

use sketches, maps, drawings or other matter to illustrate their ideas, at their discretion.

In passing it is interesting to note that a number of these papers have been published in the daily press and in technical papers.

The Board of Examiners consisted of Professor Milo S. Ketchum, Consulting Engineer and Head of the Department of Civil Engineering, University of Pennsylvania; John Meigs, Consulting Engineer and formerly Director of the Department of Wharves, Docks and Ferries, and Charles S. Shaughnessy, the Chief Examiner of the Civil Service Commission.

II

There were five candidates, all attaining a place on the eligible list; three from the Bureau of Surveys, one from the Bureau of Highways and one from the Bureau of Health. All of these men have held important posts in the engineering service of the City for a number of years and have very creditable records. Their personal qualifications were determined by an oral interview before the Board of Examiners, where they reviewed their professional papers verbally and were critically questioned so as to bring out their judgment and breadth in viewing large problems. The practical nature of this part of the examination and thoroughness with which it was conducted is shown by the fact that each of the candidates of his own choice remained before the examiners over an hour each and gave the Board an excellent background for appraising the administrative qualities of the men. The Commission was especially fortunate in having the Board so constituted that one of its members was especially familiar with the physical plans and improvements of the City and this

served to very good purpose in comparatively measuring the various suggestions of the candidates. In this part of the examination special attention was given to force, judgment and ability to command and direct others.

The rating of training and experience was based upon the requirements and duties of a high grade administrative position. The work of the Chief Engineer is of such wide scope, touching upon many large problems, that to cope with them successfully a man must have been well trained, either through practice or academically and have had such experience as to grasp and solve the varied problems in a large way.

In rating the professional papers on practical problems, consideration was given to constructive suggestions, practicability and convincing character of the ideas. The presenting of a thoroughly thought out plan, with arguments and reasons for its support—if same were based upon sound engineering sense—had considerable value in this connection. Further, the comprehensive and constructive char-

acter of a discussion showing the thorough grasp of the problems involved is evidence of ability to get to the bottom of things and has great value in both technique and administration of engineering practice. Some of these papers were a real contribution to the problems that must be solved by the City in the immediate future, as they provided a specific and detailed solution to city planning and sewerage. The ratings were strictly comparative and based upon the above factors.

From these details it will be clearly and readily seen how thoroughly practical a civil service examination for the highest grades can be made, and how greatly superior such a carefully worked out plan is to a hit or miss selection. Such an examination is likewise of great value in that it serves to make public service more attractive. When a public servant feels and believes that his position and promotion depend upon demonstrated merit, he is much more apt to consider the larger opportunities afforded by public work as a permanent career.

AKRON'S CITY MANAGER—ANOTHER VIEWPOINT

BY GEORGE C. JACKSON

Former Member of Council, Akron, O.

THE March issue of the NATIONAL MUNICIPAL REVIEW carried an article on the operation of the City Manager Plan in Akron. Unfortunately for both the reader and the subject, the article had more to do with the City Manager, to whom its author bore a personal animosity from the very beginning of his service, than with the operation of the local government.

Having served the City as a Councilman for three terms, both under the Federal and City Manager Plan, I am

volunteering information from the records that will permit the reader to judge for himself whether the City Manager plan in Akron has been successful or otherwise.

I

A few of the many things accomplished during 1920 and 1921 are herein set forth.

In the beginning, the Manager, under his power of appointment,

selected for Department and Division Heads those who were trained and of known ability, regardless of political affiliations, and, in some cases, over the protests of political leaders.

Departmental work was reorganized to the extent that responsibility was more readily fixed and conflict and overlapping of duties removed. Cost data was kept in detail.

For the first time in its history, the City was able to take cash discounts in its purchases, saving \$18,000 in this manner in two years.

A department of City Planning was organized with trained advisors and engineers. As a result of its effort, set back lines were established on several main thoroughfares for the purpose of future widening, which were observed in new buildings of the value of \$4,000,-000 through persuasion and without recourse to law.

A zoning ordinance was prepared and several new park areas laid out.

In the Highway Division many improvements were completed, a comparative statement of which follows:

| Nature of Improvement | Miles 1921 | 1920 | Previous Years, 1919 | 1918 |
|-----------------------------|---------------|-------|-------------------------|------|
| Asphalt resurfacing..... | 6.26 | 0 | 0 | 0 |
| Sheet asphalt pavement..... | 3.03 | 1.27 | 0 | 0 |
| Brick pavement..... | 3.27 | 2.40 | 1.04 | 1.47 |
| Stone block pavement..... | 12.56 | 0 | 1.24 | 0 |
| Streets graded..... | 7.12 | 13.82 | .38 | .50 |
| Cement walks..... | 11.21 | 18.10 | 3.34 | 5.00 |
| Concrete pavement..... | 0.14 | 0 | 0 | 0 |

Total engineering and inspection cost was 3.30% of the total.

A comparison in the Sewerage Division also follows:

Of the total construction cost of sewers the engineering and inspectional cost was 1.05%.

In the Public Works Division a pub-

| Item | 1918 | 1919 | 1920 | 1921 |
|-----------------------------|-----------|-------------|--------------|----------------|
| Number of improvements..... | 26 | 7 | 31 | 46 |
| Total length (feet)..... | 26,881 | 8,339 | 74,156 | 124,975 |
| Construction cost..... | \$120,753 | \$28,011.37 | \$680,417.01 | \$1,239,643.75 |

lic parking ground for automobiles was established at an annual income to the City of \$5,000.

Garbage collection costs were reduced, notwithstanding high labor costs, by introducing the tractor and trailer system of hauling.

Cleaning and flushing of sidewalks in the business district of the City was first instituted in 1920. A City Yard for receiving all materials employed in City works was built. Playgrounds were laid out, wading pools constructed and skating ponds provided.

Akron was the first City to pass an ordinance against rent profiteering, through which more than three hundred complaints against landlords were heard and satisfactorily adjusted by a committee appointed to hear such complaints.

It was among the first cities to license places where soft drinks were sold and forbid screens in such places. Control of soft drink places was put under the Department of Police through licenses issued by the Safety Director.

The Police Department was completely reorganized and made more

efficient. In this process forty-two patrolman were discharged as inefficient for various reasons.

The Fire Service was improved by the addition of the two new stations with motorized equipment.

Within the two years there was a street car strike, resulting from wage differences between the company and its employees. The City was able, during the time service was suspended, to provide through a system of jitneys and busses, a complete transportation service whereby business and industry proceeded without any interference or interruption. The strike was settled without disorder or confusion.

A vigorous law enforcement policy was carried out with the result that major crimes were few and the City enjoyed exemption from the wave of crime that had spread generally to the larger industrial cities in the country. Cabarets were driven out; dance halls, billiard and pool rooms and other places of entertainment were placed under license and strictly regulated and inspected.

During 1920 arrests for violation of the prohibition laws numbered 828; fines assessed were \$127,311. During 1921, 940 arrests were made for the same cause; fines, \$79,589. Conviction resulted in 95 per cent of the cases. In 1920, autos reported stolen were 590; police recovered 370. In 1921, 261 autos were reported stolen; 252 recovered by police. The total number of arrests for all causes were: in 1920, 12,558; in 1921, 10,104.

A recreation commission was appointed for the purpose of promoting, encouraging, regulating and furnishing the facilities and grounds for amateur athletic sports.

In 1920 and 1921 the largest program of public improvements ever undertaken in the City was carried out.

The population of the City had

grown rapidly and large areas had become quickly built up. Public service had to be extended and public improvements made to meet this growth as much as was possible with the resources available.

Expansion was made in the Public Health Service by adding clinics for the protection of infant life and providing open window supervision for school children. The City's death rate is found among the lowest in the United States.

During the period there was prepared and submitted to the City Council a service at cost street car franchise ordinance, which combined many of the features of the more recent franchises in this country and Canada, with new and others applicable to local conditions.

The salaries of all City employees from the highest to the lowest and including that of the Manager, were reduced upon the recommendation of the Manager.

Able-bodied persons receiving relief from the City were required to render service to the City in value equal to the amount of relief extended.

The tax rate for all purposes, including State, County, School, and City, sinking funds and interest charges, and including operation was \$2.06 per hundred dollars of valuation in 1920 and \$2.04 in 1921, of which the city received for operating purposes out of each dollar of taxes the sum of 20.2 cents in 1920 and 21.2 cents in 1921. The Sinking Fund received 11.6 cents in 1920 and 9.5 cents in 1921.

II

That the people of the City had confidence in its administration and in the manner in which the City's business was carried on is indicated by the fact that in the two years they voted \$900,-

000 for a new city hall, \$2,000,000 for parks and playgrounds, \$250,000 for viaduct approaches and \$3,000,000 for sewers.

No small measure of the success of the two years operation under the City Manager belongs to the City Manager, who, in an honest, able and forceful handling of the executive and administrative departments won respect and confidence. His recommendations were generally adopted by the City Council because they were accompanied and supported by sufficient and satisfactory reasons together with full information on the subjects submitted.

Although his administration was made a political issue during the campaign preceding the municipal election, all but two of the candidates of the party raising the issue were defeated, notwithstanding a local newspaper of politics opposed to those of the manager carried on a campaign against him daily for almost two years.

Through personal antagonism of a majority of members of City Council, taking office January 1, 1922, the Manager was removed.

For him no more need be said than that he performed his duties aggressively, honestly, fearlessly and well.

DETROIT TAKES OVER ITS STREET RAILWAYS

BY ROSS SCHRAM

Assistant General Manager, Department of Street Railways of Detroit

Seattle and San Francisco are running municipal street-railway systems but Detroit's adventure with a complete 363 mile system, made effective last month after a thirty-year struggle with the Detroit United Railways, is the boldest yet and by far the most important. :: ::

THE struggle of Detroit for the ownership of her own streets began 30 years ago. Therefore, a great deal of this recital must be taken from the records and conversation with men of another generation.

The traction problem in Detroit became acute when the city under the leadership of Mayor Pingree first asserted that the public's interest in street railway operation was superior to any other interest. Mayor Pingree believed that no foreign holding stockholders had a right to specify how we in Detroit should travel between our homes and our business and under what conditions. Since that time the

City has been engaged in a practically continuous struggle with the private company and its predecessors.

On May 23, 1899 the first street railway commission of the city reported a plan for the purchase of private lines and the physical property was valued at \$8,000,000. The unexpired franchises were appraised at approximately \$8,500,000. Incidentally, this commission had as one of its members one of the leading attorneys of the Middle West, who has since that time been the standard bearer for the private company in all of its battles with the city.

As indicating one of the many pit-

falls referred to previously, the private company through all these years, time after time has hired away the city's best legal advisers and through all these years they have formed a strategy school to protect the company's interests.

As a result, there was never the proper continuity of the city's legal effort, each new corporation counsel having to start from scratch, that he might familiarize himself with the multitudinous possibilities.

This first street railway commission suggested that a purchase plan be submitted to popular vote in case obstructive litigation (which had already been started) should be decided in favor of the city's power to proceed with the project.

However, this commission's work was rendered useless by an adverse decision of the Michigan Supreme Court. A constitutional convention sitting ten years before the Civil War had inserted in the constitution the provision that the state should never engage in any "work of internal improvement"; and fifty years later the court held that the Detroit United Railway system was a "work of internal improvement" and that what the state could not do itself, it could not authorize the city to do.

Thereupon began a great political struggle to have a constitutional amendment submitted to the voters of Michigan, under the terms of which would be granted the right of home rule with respect to the ownership and operation of street railways. This was an intense battle and the legislature refused, time after time, to permit a vote. It is said that the chairman of a certain committee in the House, living in a small Michigan village, defeated the effort of the people of the largest city in the state to have this question of home rule submitted.

Finally it was necessary to wage a campaign all over the state, that a new constitutional convention might be called, its purpose being to bring about municipal home rule if possible.

As a matter of fact, it was ten years after this first Railway Commission report that a new constitution went into effect and the first obstacle to municipal ownership was removed.

A certain provision of this home rule permission, however, complicated municipal ownership in Detroit for years. So great had been the struggle in the convention between the conservatives and the progressives that the former insisted no city should have municipal ownership power except upon a 60% vote of the electors. The progressives responded by insisting that no city should have the power to grant a franchise except by similar vote.

This constitution went into effect about fourteen years ago and there followed several years more of struggle before the people of Detroit finally succeeded in getting a chance to vote upon the policy of municipal ownership and operation of street railway lines. They finally approved this policy by a vote of four to one.

EXPIRING FRANCHISES

In the meantime the private company had been making frantic efforts to secure a renewal or extension of its franchises, which were beginning to expire.

In 1906 Mayor George P. Codd submitted a proposition for the extension of franchises to December 4, 1924, in return for which the company was to sell tickets at the rate of six for 25c during all hours and ten for 25c between 5:00 and 8:00 A.M. and 4:30 and 6:30 P.M. This proposition received only a 31% affirmative vote.

In September 1907 the proposition

giving franchises for the construction of eleven extensions received only a 33 $\frac{1}{3}$ % affirmative vote.

In January 1912, Mayor W. B. Thompson and his corporation counsel (afterward the first lieutenant of the leading D. U. R. lawyer) submitted a proposition to extend franchises to December 1924, in return for which the company was to sell eight tickets for 25c during the rush hours and six tickets for 25c during all hours. This proposition received a 41% vote.

In April 1913, Mayor Oscar Marx submitted a city charter amendment providing for municipal ownership and operation of railway lines and this proposition received an eighty per cent affirmative vote. In August 1913, the Company having been unable to secure any extension of franchises, agreed to build certain extensions under a day-to-day agreement providing that they might be ordered out of the streets at the whim or caprice of the Common Council or that the city might purchase its trackage at cost less depreciation, at any time.

In return the company agreed to reduce its fares to seven tickets for 25c. This plan, not incorporating a franchise, was in effect a temporary settlement plan and could be and was passed by the Common Council without submission to the people.

In December 1917 this agreement was abrogated by the company on the ground that it was unable to meet operating costs at such a rate of fare.

It should be noted that the citizens of Detroit stood adamant through all these variously contested campaigns on which great sums of money were spent by the company for propaganda purposes. They did this because of the gospel preached by the sincere leaders and because of their recollection of the forceful utterances of Mayor Hazen S. Pingree years before.

REFERENDUM CAMPAIGNS

In November 1915, Mayor Marx and the Board of Street Railway Commissioners submitted a municipal ownership purchase agreement. This was in effect a condemnation plan inasmuch as the price was to be determined by the six circuit judges after the people's vote. The affirmative vote on this proposition totaled 47%.

The campaign slogan was originated by those opposed to this plan, terming it "A Pig in a Poke" plan, and this war cry was greatly instrumental in defeating the proposition.

Mayor Couzens took office in January 1919, pledged irrevocably to municipal ownership, believing it to be the best plan and the only plan for the proper solution of the city's transportation problem. It appeared that the quickest and surest way of solving the problem was an agreement for outright purchase of the private lines. Such a proposition was submitted in April 1919, a price of \$31,500,000 being quoted. The people believed the price too high or else had great doubt in their minds as the result of the immense confusion created by a ruthless campaign between the opposing factions. They gave it only a 47% affirmative vote.

This series of balloting proved the intentions of the people without a single doubt. It is now admitted by the private company's officials that in these latter campaigns those inherently opposed to municipal ownership were supported by large sums of money furnished by the company, even in that campaign for purchase in which the officers had signed a written contract to sell at a price of \$31,500,000.

It is interesting to recall the various arguments advanced against the propositions which were submitted. In addition to those arguments already cited, there were the following:

1. That the agreement conveyed valuable interurban rights to the railway company.

2. That the city was buying a lot of junk which would soon be out of date with the introduction of gas-driven cars.

3. That a rate of fare in excess of what was then charged would be required to maintain the system under municipal ownership.

4. That the operation of the lines would result in a burden to the taxpayers.

5. That condemnation and piece-meal construction were plans superior to outright purchase.

Upon the defeat of the purchase proposition in April 1919, the Board of Street Railway Commissioners (three very prominent business men) declared for a service-at-cost plan, with the construction by the city, at the same time, of certain downtown subways into which surface cars would be run—that congestion on the streets might be lessened within the mile circle.

It was Mayor Couzens' opinion, after careful thought, that downtown depots or miniature subways would not alleviate conditions to any great extent and that the so-called "service-at-cost" or Taylor plan was a vicious instrument, related to the war time "cost-plus" contracts.

Thereupon this Commission resigned and close study was given the problem for many weeks by the Mayor.

There was considerable agitation for a genuine subway system, and competent engineers connected with the New York system testified that, whereas Detroit had only 300 miles of surface tracks, it should have at least 500 miles of surface line feeders in order to make the subway system to any extent pay its way. The Mayor also believed that the city should control surface lines first of all.

TWO COMPETING PLANS

Late in 1919 and in the month of January 1920, at his own expense, Mr. Couzens had an engineer lay out plans for much wanted new trackage which would (except in rare instances) not parallel the company's existing tracks. While this was being done, tremendous agitation for the service-at-cost plan was developing. An attempt was made to force such a proposition through the Common Council for ultimate submission to the people, but this was defeated by a Mayor's veto. Thereupon the railway company showed its favoritism toward the service-at-cost scheme by referring to the initiative and referendum.

In the meantime the Mayor and the new Street Railway Commission presented a plan dubbed the "piece-meal plan" by its opponents, whereby the city would build 100 miles of new track and tie into it some 30 miles of the trackage mentioned as having been built by the D. U. R. under the day-to-day agreement which gave the city the option to purchase whenever it might so desire. In addition it was proposed to tie in 21 miles more of trackage—the Fort St. and Woodward Avenue lines (two main lines where the franchises had expired)—and the United States Supreme Court in one of many lawsuits had given us a right to oust the company out of the streets upon ninety days' notice from the Common Council.

This plan would give the city a system of approximately 156 miles, or one half the size of the existing private system. In the way of finance the plan called for a \$15,000,000 issue of public utility bonds. The estimates indicated that this fund would be sufficient to build 100 miles of new track, purchase the 30 miles of day-to-day track, either purchase the 21 miles of Fort and Woodward trackage, at a

proposed price of \$40,000 per mile or replace that trackage should the company refuse to sell, once the people had approved this new municipal ownership ordinance.

There was provided in this bond issue sufficient money, also, for the purchase of 400 new motor cars and 150 trailers.

In the same prospectus were outlined 62 miles of additional new trackage to be built out of a further bond issue when the initial system had been completed. This plan was submitted to the voters in April 1920, along with the service-at-cost plan initiated by the Railway Company. The municipal ordinance secured 63% of the total vote, after one of the most bitter utility campaigns ever waged in the Middle West, and an expenditure on the part of the private company of a sum variously estimated in the hundreds of thousands.

THE MUNICIPAL SYSTEM STARTS

With the passage of this ordinance the city had nothing but a street railway minute book with which to start work. The day after election, excavation work began. This was on April 6, 1920. On February first, 1921, we had 18 miles of track completed and 13 miles of track in operation. During the summer of 1921 we completed a total of 60 miles of new track, reaching a construction speed at times of one mile a day.

By December 1, 1921, we had 60 miles of new trackage under operation and had arbitrated the purchase of 30 miles of the day-to-day lines, at a cost of about two and a quarter millions. These were taken over on December 22, 1921. We had purchased 300 new cars and received 128 from the D. U. R. with the day-to-day tracks.

In passing it should be mentioned

that on February 28, 1921, the United States Supreme Court cut the ground from under over a dozen obstructive lawsuits started by the Detroit United Railway, after the vote of April 1920 and by a unanimous and sweeping decision validated the municipal ownership ordinance and re-affirmed the city's right to order the company out of the streets where franchises had expired. These obstructing lawsuits, started by the company, covered every possible phase of the situation through which time might be gained or the ordinance invalidated through litigation.

Property owners on streets where car lines were planned were roused to start community suits. The city's corporation counsel, Mr. Clarence E. Wilcox, defeated the D. U. R. legal talent, reinforced by Secretary of State Chas. E. Hughes, then acting as a counselor.

The Mayor and the Street Railway Commission asked the company (after buying the day-to-day trackage) for a price on the Fort and Woodward trackage. The price was refused and thereupon our engineers declared the trackage was so depreciated that we were justified in offering only 388,000 dollars for the track. This money was offered in the way of value for the use of the track as temporary track during reconstruction and to avoid inconvenience to the public if the new track were laid at one time, rather than by sections.

The city's price was refused and the Mayor asked the Common Council to order the company out of the streets. The ouster ordinance was passed by the Council but was referred to the people by initiative, inaugurated by the Woodward Ave. business men. The people not only backed up the ouster ordinance but re-elected the Mayor at the same time by a margin of 33,000.

THE COMPANY'S LAST STAND

Thereupon the company approached the city with a proposition for an interchange of running rights because with the ouster ordinance facing them and the dismemberment of their system, through the day-to-day purchase, they were not in a position to give unified service to the public.

On December 15, 1921, as the result of an agreement which had been drafted, city cars were permitted to run over 61 miles of the D. U. R. tracks including Fort and Woodward, and the D. U. R. cars to run over 32 miles of the city's day-to-day tracks, with a universal transfer arrangement.

The people had demonstrated their ability in street car operation and it

was our belief that they would be willing to vote the necessary funds to purchase the balance of the private system, which of course could be obtained for less money than it would have cost at any time during the previous years.

In January 1922, the railway department's own engineers gave Mayor Couzens an appraisal value of \$19,500,000 for the 273 miles of private system remaining.

This amount was offered the Company and a purchase contract setting \$19,850,000 as the price was signed by both parties.

This was put to a vote of the people on April 17, 1922, and carried by a vote of more than four to one.

The city took over the last of the lines on May 15, 1922.

DETROIT'S STREET RAILWAY PURCHASE CONTRACT WITH PRIVATE COMPANY

Approved: April 17, 1922. Effective: May 15, 1922.

| | | | |
|------------------------|--|------------------------|--|
| <i>Price:</i> | \$19,850,000 | <i>Tracks:</i> | 273 Miles—90% Paved |
| <i>Down Payment:</i> | \$2,770,000 | <i>Cars:</i> | 1029 |
| <i>Payment Method:</i> | Bond issue of \$4,000,000 authorized to make down payment and buy current stock of supplies. | <i>Real Estate:</i> | Value approximately \$8,000,000 |
| | \$500,000 semi-annually. | <i>Power Stations:</i> | Two—furnishing 50% of total supply. |
| <i>Installments:</i> | 6% | <i>Interurban:</i> | Running rates fixed by Board of Arbitration. Rights can be terminated on 2 years notice. |
| <i>Interest:</i> | 10 years. | <i>Rights:</i> | |
| <i>Balance:</i> | | | |

TOTAL COMBINED SYSTEMS: 363 MILES;
CARS: 1457

NEBRASKA'S REORGANIZED STATE ADMINISTRATION

BY A. E. BUCK

New York Bureau of Municipal Research

The reorganization in 1917 of the Illinois state administration into an orderly group of departments has already been copied by several states, as related in our pamphlet "Administrative Consolidation in State Governments." The results in Illinois are dealt with in our pamphlet "Administrative Reorganization in Illinois." The Nebraska reorganization of 1919 has now reached the point where the results are demonstrable, as set forth in this article prepared after a visit by the writer to Lincoln. :: :: :: :: :: ::

ONE of the most unusual and significant things that has ever happened in American state administration, took place this year in Nebraska. Governor McKelvie called a special session of the legislature during the closing days of January to *cut down* the appropriations for the current biennium that began July 1, 1921. In less than a year after the legislature had made the appropriations for the biennial period, the governor knew that nearly one-tenth of the total sum appropriated for state activities could be saved. In order to give the people of the state the advantage of an immediate saving in the reduction of their taxes, he called the legislature together. By a special message he instructed that body to repeal the law making appropriations for the biennium and enact an appropriation bill carrying the reductions recommended by him. The legislature followed the governor's recommendations, the result being that the total appropriations for the biennium were reduced from \$22,451,666.33 to \$20,399,910.48—a reduction of \$2,051,755.85. This reduction made it possible to cut the state tax levy for the second year of the biennium from three to two mills, or 33⅓ per cent.

THE 1919 CODE

What enabled Governor McKelvie to do this, and how did he get the facts upon which to act? The answer is found in the operation of the centralized and responsible system of administration established by the civil administrative code. This code was enacted by the 1919 legislature and went into effect in August 1919. It eliminated twenty-four statutory boards, commissions, and agencies, and consolidated their functions under six departments; namely, finance, agriculture, labor, trade and commerce, public works, and public welfare. The code vests the civil administration of the state in the governor, who has as his chief assistants the six department heads. These heads are called secretaries and are appointed by the governor with the consent of the legislature. While they are appointed for a definite term of two years, they may be removed at any time by the governor. Each secretary receives an annual salary of \$5,000. All subordinate officers and employees of the code departments are appointed by the department heads with the approval of the governor. Departmental regu-

lations are prepared by the secretaries and are promulgated with the governor's approval.

The code administration has now been in actual operation for almost three years. The important results that have been brought about by the application of the code during this period are: (1) the integration and departmentalization of related activities of the state government; (2) the application of the cabinet idea to the work of the state administration; (3) the establishment of a budget system with uniform financial control over state expenditures; (4) the installation of a central accounting system; (5) the establishment of a system of employment and personnel control; and (6) the inauguration of a state purchasing system.

RELATED ACTIVITIES DEPARTMENTALIZED

The co-ordination of related activities of the state government is one of the most important accomplishments of the code system. It took activities that were operating independently of each other but that were part of the same major function of government and brought them together into one department with a single administrative head. In this way definite responsibility has been fixed for each field of work. This arrangement has not only greatly increased the output of the services rendered, but it has tended to reduce the cost of operating the government. All departments are now located at the state capital, whereas some of the agencies used to be located at various points over the state.

One of the most important of the code departments, since Nebraska is mainly an agricultural state, is the department of agriculture. The functions of five independent agencies

whose activities related to agriculture were consolidated in this department. Not only was the work of these agencies brought together into one department, but it was systematized and arranged into five groups. These groups are designated as (1) bureau of foods, drugs and oils, (2) bureau of animal industry, (3) bureau of markets and marketing, (4) bureau of game and fish, (5) clerical and records division. The inspectional work is a very important feature of this department. It includes the inspection and testing of animals for diseases, the inspection of dairy, food and oil products, the inspection of farm products for shipment, and the testing of weighing devices. In order to accomplish this work, the department inspectors are usually assigned a definite section of the state and are required to establish headquarters at the most convenient point in this section. Each inspector is required to send to the department a daily report of work performed, and a statement of his routing for the following two or three days so that the department can communicate with him at any time without delay. In this way the department keeps a complete record of the work of all its field men.

Among the more important activities of the department of finance are the classification and control of expenditures, the installation of uniform accounting methods, the purchasing of supplies, the supervision of state employees, and the preparation of the budget. This department is the hub of the administrative wheel. As a result of the constant control that it exercises over all expenditures, it is continuously gathering information which is not only of great value in the day-to-day operation of the government but constitutes the basis for the preparation of the budget. The work of this department is arranged in two

divisions, namely, accounts and budget, and purchases and supplies.

The department of labor administers the workmen's compensation laws, enforces the child labor laws and employment and safety regulations. It collects and publishes labor statistics and maintains a free employment office. Its work is divided into two groups—division of compensation and investigation, and division of free employment.

The regulation of banking and insurance companies, the administration of fire prevention, and the enforcement of the blue sky law are functions of the department of trade and commerce. It also collects and publishes commercial and industrial statistics. Its activities are divided into (1) bureau of banking, (2) bureau of insurance, (3) bureau of securities, (4) division of fire prevention, (5) division of hail insurance, and (6) clerical and records division.

The department of public welfare has supervision over all matters relating to public health and social welfare, issues professional licenses, and records vital statistics. Its activities are grouped under (1) bureau of health, (2) bureau of social service, (3) bureau of child welfare, (4) bureau of examining boards, and (5) division of athletics. The head of the department appoints upon the recommendation of each profession an examining board for that profession which board prepares and conducts the examinations for professional licenses. Licenses are granted by the department head upon the recommendation of these boards. All records are kept in the department at the state capitol.

Supervision over the construction of highways, bridges and public improvements is exercised by the department of public works. For the supervision of irrigation the state is divided into two water districts with a superintend-

ent at the head of each district, appointed by the department head and under his supervision. This department licenses the motor vehicles of the state. It is organized under a bureau of roads and bridges, a bureau of irrigation, water power and drainage, and a clerical and records division. At the present time the federal government is co-operating with this department in the building of a system of state highways.

This system of departmentalization inaugurated by the code has brought abler men into the service of the state government. Instead of more than fifty officials giving, in some cases, only a fraction of their time to the work of the state government, there are now six men giving their entire time to the work. These men are paid salaries commensurate with the service they are rendering, and are chosen because of their experience and special fitness for the particular field of work they are directing. It is not possible to secure such men under the non-integrated form of state government, or where the department heads are elected by the people.

THE CABINET IDEA APPLIED

In order to bring about the greatest cooperation between the work of the code departments, Governor McKelvie introduced the cabinet idea that works similar to that feature of the national government. Whenever important matters arise that concern the general administrative policy, the governor calls a meeting of the department heads. Sometimes the bureau and division chiefs are present at these meetings. The matters under consideration are thoroughly discussed and a general and uniform policy is adopted. Following the cabinet meetings written instructions are sent to each department

outlining in detail the application of the policy to the work of that department. These meetings have proved a very effective means of defining and harmonizing the general administrative policy which under the old system of government was impossible. They also keep the governor in direct touch with the work of the different departments and enable him actually to lead in the administration of the state's affairs. Besides, weekly reports are filed with the governor by each of the departments telling of the nature and amount of work performed by each bureau and division of the department.

While the people look upon the governor as the chief executive, in most states he is not in a position to direct the administration because of the ramshackle organization. Nebraska has in a measure overcome this difficulty by the adoption of the code organization, and has placed the governor in a position where he is more nearly responsible for administrative policies.

BUDGET CONTROL ESTABLISHED

The code makes the governor responsible for the financial policy of the state by requiring him to submit the budget to the legislature. The budget is prepared by the department of finance from information gathered through estimates and through its audit and review of expenditures. The first state budget under the code was prepared by the department of finance and submitted by Governor McKelvie to the 1921 legislature. This budget, a document of 150 pages, gave for the first time in the history of the state a picture of the government's finances, analyzed its various activities, told what each activity spent during the preceding biennium, and estimated what each activity should spend during the next biennium. Prior to this the

members of the legislature had been without accurate and detailed information upon which to base their examination of the requests for appropriations.

In order to make the budget procedure work more effectively, the budget provisions of the code were amended by chapter 210 of the 1921 laws. Under this law all agencies of the state government must report their expenditures each month to the department of finance. The department of finance can investigate any agency of the state government to determine whether or not the appropriations are being judiciously and economically expended. This department also has the authority to recommend and require the installation of a uniform system of record keeping for all agencies receiving appropriations from the state. In this way the department of finance can determine the character and classification of the financial information that is submitted to it by the various state agencies. This uniformity greatly assists in the preparation both of financial statements and the budget. Hereafter the governor will submit along with the budget an appropriation bill, containing all the budget proposals for expenditures, which the legislature must pass by a three-fifths vote should it decide to increase the governor's recommendations.

Several other important changes affecting the budget procedure were made by the 1921 laws. A uniform fiscal year, beginning July 1st and ending June 30th, was adopted. Previously the appropriation year and the fiscal year of the state had been different and neither agreed with the federal fiscal year. All fees are now required to be turned into the state treasury, instead of being held out as formerly and used by the agency collecting them. All mill taxes, including the mill tax for the state university and normal

schools, have been repealed. This means that in the future expenditures will be by definite appropriations made each time the legislature meets. Practically all special funds have been abolished and the money turned into the general fund. This has been done because it is evident that special funds restrict not only legislative authority but also administrative control and supervision. Besides, such funds greatly complicate any system of accounting and reporting.

The department of finance has devised an expenditure classification that is used in setting up the accounts and in systematizing the information for the budget. Appropriations are made to the various spending agencies in what may be regarded as lump-sum appropriations. Before the appropriation to any spending agency becomes available for use, the agency must submit to the department of finance an executive allotment of the amount estimated to be required to carry on the work of the agency during the next quarter of a year and this allotment must receive the approval of the governor. As the vouchers for the agency pass through the department of finance and are audited for payment, the appropriation of the agency is encumbered by this department with the amount of each voucher. In this way the department of finance knows when the allotment for any quarter is being overdrawn. As a reserve against contingencies, the department of finance sets aside at the beginning of the biennium 10 per cent of the appropriation to each agency for that period and at the end of each quarter returns one-eighth of this amount to the agency for distribution in its next quarter's allotment. In this way the possibility of the legislature having to make deficiency appropriations every time it meets is reduced to a minimum.

The allotment system makes it possible for the department of finance to determine long before the end of the biennial period whether or not there is going to be an unused surplus in the appropriations and approximately how much this surplus is going to be in the case of each spending agency. As a result of the operation of this system by the department of finance, the governor was supplied with the facts that enabled him to call the special session of the legislature referred to in the first paragraph of this article, to cut down the appropriations for the current biennium.

In this connection mention should be made of the very valuable work that the department of finance is doing in educating the people to appreciate the significance of the budget and to understand something of the problems connected with financing the state and local governments. This department prepares monthly statements relative to the state's finances and occasionally a bulletin on the distribution of taxes between the different activities of the state and local governments and sends these to the newspapers and various organizations throughout the state.

CENTRAL ACCOUNTING SYSTEM INSTALLED

In the installation of a central accounting system Nebraska has made notable progress under the code administration. The department of finance has not only established a uniform system of financial records for all spending agencies of the state, but practically all bookkeeping, especially for the code departments, is done by this department. Under this procedure the accounting control is not only centralized, but it becomes unnecessary for each department to maintain a force to keep a set of books for it. Only such rec-

ords as relate directly to the work of the department are now kept by the code departments. Records giving complete information relative to the appropriations and expenditures of all departments are kept by the department of finance. The accounting system in this department shows at all times, for each department, bureau and division, the expenditures, the unexpended balances and the free and unencumbered balances. The spending agencies that are independent of the code departments, such as the University, the board of control, and the constitutional officers, keep their own books. However, the general form of these books is prescribed by the department of finance, and these agencies must report monthly to the department of finance an itemized and classified statement of all their expenditures.

All spending agencies are required by the department of finance in making their reports to distribute their expenditures according to nine standard expenditure accounts. These accounts and the sub-groups under each have been built up largely on an object basis and are used by the department of finance for budget-making as well as accounting purposes. It is possible by the use of this classification not only to determine when expenditures have been properly made, but also to compare the expenditures of different departments and institutions.

As has already been pointed out, the department of finance exercises the powers of pre-audit. Every departmental expenditure, before it is contracted, must have the approval of this department. This approval involves not only passing upon the availability of funds to meet the expenditure, but also the advisability of making the expenditure. Upon approval the appropriation of the department making the expenditure is encumbered by the

amount of the proposed expenditure. After the expenditure has been made a voucher signed by the department head is sent to the department of finance where it is checked and approved before going to the auditor's office. The auditor, an elective constitutional officer, approves all vouchers as to the legality of the expenditures. A useless step in the procedure is the requirement that the secretary of state likewise approve all vouchers before payment by the state treasurer.

The centralization of the accounting control in the department of finance is not only necessary to the proper carrying out of the budget plan, but also to the intelligent preparation of the budget. By this means the staff that prepares the budget for the governor is kept in daily touch with the expenditures of all agencies, and the facts that are essential to the criticism of the estimates are gathered from day to day.

EMPLOYMENT CONTROL ESTABLISHED

The department of finance has developed a rather unique system of employment control. While it does not conduct examinations to test the fitness of individuals to enter the state service, as civil service commissions do, it is, nevertheless, more effective in its management and control of state employees than most of the civil service commissions. Any person desiring to enter the state service must fill out and file with the department of finance a blank, stating position desired, educational and experience qualifications, age, marital relations, sex, name and address of last employer, last position and salary earned, and the names and addresses of at least three persons as references. The department of finance then asks each one of the references to fill out a blank that contains a number of questions about the character, edu-

cation and general qualifications of the person to fill the position. If the person's record is satisfactory, he is recommended for appointment to the position by the department of finance. The appointment is made by the department head with the approval of the governor. After the appointment has been made a permanent card record for the employee is filed in the department of finance. Any change in the salary rate of the employee must be approved by the department of finance. Before the adoption of the code there was practically no record of the state's employees.

Each employee in the different bureaus and divisions of the code department is required to sign a daily time report, giving the time of arrival, the time at lunch, and the time of leaving. All field employees mail daily time reports to the departments. These reports are collected by each department and are sent each month together with a summary to the department of finance. The summary shows the number of days during the month that each employee has worked less than eight hours, the number of days each has worked over eight hours, and the number of days and time that each has been absent without pay, on sick-leave, or on vacation. As a result the department of finance has a work report of every person employed in the code departments. From these reports the department of finance makes up each month the payrolls of all the code departments. Under this system the department of finance has the original signature of each employee for each day he or she has been paid during the month or year. These records are also used in making promotions.

Prior to the adoption of the code there was little relation between the duties performed and the pay received by the employees of the various boards.

The department of finance has worked out a salary standardization plan that provides for standard titles of positions and uniform salaries for the same class of work in all of the code departments. It fixes a minimum salary rate with advancement to a higher rate at specified times, and promotion from a lower to a higher grade of service upon the recommendation of the department head.

PURCHASING SYSTEM INAUGURATED

The division of purchases and supplies in the department of finance buys office supplies for all agencies of the state government except the University and normal schools. Prior to the adoption of the code each agency purchased its supplies in small quantities at frequent intervals. Under this scheme the various agencies frequently spent more than was necessary, proper scrutiny could not be exercised on the part of the state, and favoritism was often shown in the selection of vendors. Now, every department and agency must file a requisition for supplies with the purchasing agent. After this requisition has been approved by the accountant of the department of finance to the effect that there is sufficient unencumbered balance in the appropriation of the department or agency to pay for the supplies, the purchasing agent makes up a schedule, combining like classes of supplies from several requisitions, and solicits bids from dealers. An order is then placed with the successful bidder by the purchasing agent. A copy of this order is retained by the purchasing agent, a copy is sent to the accounting division of the department of finance, and two copies are sent to the department or agency receiving the goods. The department or agency files one copy of this order with its copy of the requisition and checks the other when the

goods are received, returning the latter copy to the purchasing agent. Payment for the goods is then authorized by the purchasing agent upon a voucher that is approved by the head of the department or agency receiving the goods and by the secretary of finance before going to the state auditor.

The purchasing agent buys and controls the use of mileage books that are furnished to the several employees in the different departments whose work necessitates their traveling over the state. Each employee must file with the purchasing agent a report showing the trips that are made with the mileage. In this way the department of finance has on file a complete record of all mileage books used by the code departments. The purchasing division does mimeographing and addressographing for the different departments and agencies and charges them only for the material and labor involved.

All printing contracts are let by the purchasing agent. In the printing of reports each department must furnish a manuscript copy of its report to the purchasing agent who goes over it carefully to see if it contains any unnecessary or repeated matter. He may require the department to eliminate such matter from the report before he contracts for the printing. The contract is let upon the basis of cost per page,—the character of the matter, that is, whether it is descriptive or statistical, being the determining factor in the page cost. All printing must be done and the reports delivered within thirty days. Formerly, it was not unusual for the printing of reports to be delayed after the contracts had been let for a period of from one to four years.

It is estimated that this system of centralized control of purchasing and printing has resulted in a net annual saving to the state of about 20 per cent. The operation of the system has also

contributed to the success of the budget system by establishing control over expenditures for supplies.

* * * * *

It is to be regretted that the constitutional convention of 1920, instead of reducing the number of administrative officers and boards under the constitution, saw fit to add four more such agencies, making a total of sixteen. Thus the present administrative system includes sixteen constitutional officers and boards, six statutory boards, and the six departments created by the code.

The revised constitution of 1920 contains a provision that gives the legislature the power to eliminate the heads of the code departments and to place the work of these departments under the constitutional administrative officers. If this were done, it would be a decided step backward. It would practically amount to setting up a commission form of government for the state. The heads of the departments would then be elected just as the governor is and there could be no centralized or responsible supervision of the administration. As a result the state would have six or eight governors instead of one. One of the serious and inevitable defects of this arrangement, even worse than under the old scheme of organization that existed before the adoption of the code, would be the tendency of each one of these independent administrative officers to magnify his own problems and importance, constantly to expand his activities, and to work for and spend as large appropriations as he could obtain in competition with the other administrative officers. There would be few incentives to real economy and no established avenues of mutual interest and co-operation.

Under the code system of organiza-

tion the departments have nothing to gain by competing with each other for appropriations. Co-operation takes the place of interference. The result—a most important one—is the development of the idea of unity in administra-

tion. The worth of the code system has already been clearly demonstrated by its successful operation. Undoubtedly, the next step should be in the direction of strengthening and extending this system.

GRAND RAPIDS REFUSES TO REVERT FROM THE COMMISSION-MANAGER PLAN

BY RUSSELL F. GRIFFEN

Secretary, Grand Rapids Citizens' League

Grand Rapids is one of the three largest cities operating under the principles of the National Municipal League's Model Charter and the April referendum demonstrated that the charter has the people more solidly behind it than when they adopted it in 1916. :: :: ::

ON April 3, 1922, the voters of Grand Rapids defeated a proposal to return to aldermanic government by a majority of 2,500. There were about 23,000 votes cast at this election, out of a possible 56,000. It is safe to assume that the present commission-manager form of government would have been endorsed by a far greater majority, if the lazy voters had gone to the polls. Strong political factions were arrayed against the commission, and through the use of the much-abused cry, "More representative government," they were able to garner some 9,000 votes.

The movement to overthrow the present form of government dates back several years. Political bosses, who were deprived of their power when the charter was adopted in 1917, have repeatedly tried to discredit the charter.

HOLLOW GRIEVANCES

The real campaign was started in January of this year, by the officers of the local Trades and Labor Council,

when they seized upon a section of the charter, dealing with city contracts and the number of hours that constitute a day's work. Due to short seasons, contractors were forced to employ men longer than eight hours per day, as set by the charter. The men received pay for this overtime work, and were satisfied. However, this arrangement did not suit the labor officers; hence, a communication was sent to the city commission requesting the strict enforcement of the eight-hour provision. The city's legal department ruled that although the charter specified that eight hours shall constitute a day's work, it did not prohibit a longer day. It was also clearly shown that the section in question was analogous to the state statute, which says ten hours shall constitute a day's work. The commission acted in accordance with this legal decision, and the Trades and Labor officials were thereby furnished the necessary ammunition. In spite of the fact that many working men were not in favor of a mandate that prohibited them from working

overtime for additional compensation, the campaign was immediately launched. If the whole intent and purpose of these labor leaders had been the eight-hour law and its enforcement, a constructive program should have been outlined at this time to formulate and foster an amendment to the charter that would put new teeth in the eight-hour provision. But no, this fracas was simply all camouflage to justify themselves in the promulgation of a campaign to return the city to aldermanic rule.

To hide the real sponsors of the movement, and to give the old line politicians an opportunity to get into the game, the Municipal League was formed and offices opened. Realizing that the people would not countenance a complete revision of the charter, this organization initiated several charter amendments that would give back to Grand Rapids all the viciousness of the old system, viz., sectional representation and ward elections, and the long ballot. To be specific, the amendments provided for the redistricting of the city into twelve wards (there are now three); for the election of twelve aldermen from and by the wards, in place of the seven commissioners elected at large; and for the election, instead of appointment, of city attorney, city clerk, and city treasurer.

The eight-hour question had served its purpose and was dropped because it was so unpopular in every quarter. The cry of "high taxes" was sounded, but was spiked when a report compiled by the Grand Rapids Citizens' League was published showing that Grand Rapids enjoyed one of the lowest tax rates in the country. Finally, the slogan of "More Representative Government" was adopted. This was clung to tenaciously, despite the fact that this same faction is better represented under the present form of gov-

ernment than under the old aldermanic rule.

The Grand Rapids Citizens' League, a non-partisan, non-sectarian organization, which was first organized to help carry the present charter, led the defense against the vicious charter amendments. The three daily newspapers carried both sides of the campaign in splendid shape. Almost every edition carried editorial support of the commission-manager form of government. Letters from various cities were published every day, proclaiming the advantages of the commission-manager form of government.

THE INTENT OF THE AMENDMENTS

The seven principal counts against the charter amendments, as outlined by the Citizens' League were:

(1) The amendments provide for the old discredited twelve ward system, and the method of electing aldermen or commissioners from wards. Unity and co-operation would be forgotten, and sectional development would replace the development of Grand Rapids as a whole.

(2) No provision has been made for reduced salaries; hence, the twelve aldermen and mayor would receive the same salaries as the present seven commissioners.

(3) The city would be compelled to elect twenty-four constables to perform the work now done by six.

(4) The amendments provide for the election of all twelve aldermen, mayor and other officials every two years. Only minor offices would be filled in the alternate years, thereby creating unnecessary election expense.

(5) The amendments exclude the city assessors from membership on the board of supervisors. In view of the fact that every member of the board from the rural districts is an

assessing officer, this exclusion of city members trained in tax problems would be a distinct loss to the taxpayers of Grand Rapids.

(6) The amendments create more elective offices, harking back to the long ballot, known as "the politician's ballot."

(7) The proposal as a whole means a possible disruption of the entire charter, and might lead the city into embarrassing legal entanglements.

THE ACHIEVEMENTS, UNDER THE PRESENT PLAN

The most effective campaign material was the record of accomplishments under the commission-manager government. This was published in the daily newspapers and in the *Sentinel*, the official publication of the League. This record is summarized below:

To-day, not only in Grand Rapids, but in every other city where government is vested in small commissions, elected at large, there is no room for the political boss. The one aim in our city government to-day is to produce a dollar's worth of service for every dollar of tax money spent. This is illustrated in the several reports filed with the city manager recently.

The public service department has been placed on a strictly business basis since the adoption of the commission-manager form of government in Grand Rapids. EFFICIENCY is the keynote. Ability is regarded as a more essential quality of city employees than political influence. Employees are more enthusiastic over their work, because they are being paid more nearly what their services are worth. A comparison of the number of employees in the service department, January 1st, 1921, with January 1st, 1916, shows that there are three less employees at the present time; yet, the work in

every division has increased materially. A saving of \$8,000 was effected when plans for the new filter plant extension were drawn.

A complete metering of all water service has reduced the consumption per capita from 200 gallons per day to 98 gallons per day, under the present meter system. This is a definite example of elimination of waste.

In 1920, 18,750,580 lbs. of garbage was collected with a force of 32 men, while in 1916, before the adoption of the new charter, 13,079,999 lbs. required 39 men.

The health department has a splendid record. The new Isolation Hospital has been built and the entire cost has been absorbed in the regular departmental budget. A physician specializing in the care and treatment of persons afflicted with tuberculosis has been employed and placed in charge of the sanitarium and all clinics. Nutritional clinics have been established in the public schools and schools of instruction are held for mothers. Three additional dental clinics have been established. All bacteriological work is now being done by a city chemist, thereby saving the city money formerly spent for the services of the bacteriologist. A full time nurse has been added to the staff of the city physician, thus giving better care to the dependent sick. Through careful supervision, serious epidemics have been avoided.

New ordinances now regulate the sale of milk, cream, and buttermilk, and the manufacture of ice cream, and provide for the inspection of slaughter houses. Work done by the department under these ordinances has increased as follows:

Milk and cream tests, 88%; milk wagon inspections, 93%; meat market inspections, 248%; restaurant inspections, 879%, and bakery inspections, 260%. This increase has been at-

tained with the addition of only one man to the staff of employees.

Shortly after the commission-manager form of government went into effect, a social service staff was established to care for the indigent and unfortunate of the city. This division, last year, came in contact with 903 families, and in 58% of the cases complete relief was given through reconstructive and guidance work, and did not require the giving of material or medical aid.

Since 1916 the police department has been able to reduce its force from 168 to 120, yet recoveries have grown steadily, until in 1920 the amount of stolen property recovered amounted to 97%. Under the commission-manager form of government, politics have been entirely eliminated from the police department. Police court fines, which formerly went to the state, are now turned into the city treasury. This means a saving of \$30,000.

In the fire department the double platoon system has been installed which has increased the inspection work from 13,000 to 46,000 inspections per year. Fire losses amounted to only \$1.53 per capita in 1920. This is a remarkable showing, considering the high cost of building replacements. Nearly all repair work is now being done by the department, which has resulted in an annual saving of \$13,000 to the taxpayers of Grand Rapids.

The city clerk's office has effected a saving of \$1,000 in the printing of official proceedings. Revenue from license fees has increased over 66% since 1916.

The purchasing department has effected many savings for the city. The centralization of purchases gives an opportunity to purchase in quantities, which reflects directly to the benefit of the city, because of discounts and quantity prices.

When the present form of government came into existence, the city attorney inherited many cases from the old régime, all of which have been disposed of. Under the old form of government no effort was made to collect past due personal taxes, and it was assumed that estates in the hands of trustees, in bankruptcy, receivers or trustees under trust mortgage, were not collectable. Under the commission form of government suits were instituted to fix liability, and decisions were obtained authorizing collections. The total amount collected on delinquent claims and delinquent taxes and upon receivership estates, has amounted to approximately \$50,000.

Several changes have been made in the city treasurer's office that have brought the department closer to the people. Tax notices are now mailed to property owners. It was impossible to cover the entire field this year, but official reports from one-third of the city show that on March 1st, \$6,000 more was collected than at the same time last year in state and county taxes. The city gets the benefit of a 4 per cent charge on this amount that reverted to the county in former years.

Under the old form of government the city assessors did not hold office on the board of supervisors. To-day, by their direct representation on the board, they are able, by reason of their knowledge of tax matters, to save the taxpayers of Grand Rapids thousands of dollars. When the commission took office the city assessors called attention to the fact that there was a large amount of property on the exempt rolls that in their opinion should be stricken off. The matter was referred to the welfare committee and the exemptions were gone over carefully. People were notified to come in and present their reasons for claiming exemption and as a result, about

\$1,000,000 was stricken from the exempt rolls. Those who by reason of poverty were unable to meet their taxes were left on.

STRONGER THAN IN 1916

As stated before, this record was placed before every voter urging that it receive full consideration.

The final gun was fired by the Citizens' League in the shape of a terse message to the voters just before election day:

Grand Rapids enjoys, under the present commission-manager form of government, a compact, orderly, smooth-working governing body composed of conscientious, intelligent men who are directing the affairs of this community for the best interests of all the citizens, with the result, Mr. and Mrs. Voter, that you have been furnished with the greatest amount of public good at the least possible cost. If you desire to retain this kind of government so that still greater bene-

fits may be secured in the future, you should go to the polls on April 3rd and vote "NO" on the charter amendments that provide for a virtual return to the worn-out, inefficient system of aldermanic government. In so doing you will be able to say next year, as you can honestly say today, "Grand Rapids is a good place to live."

The vote as cast demonstrates clearly, when compared with the first vote on the present form of government, that the present plan has gained much ground since 1916. In addition to this, there were many voters, in my opinion, who voted to go backwards simply because they did not understand the commission-manager government and its advantages over the old system. A program of education and official publicity dealing with the municipal government and its official acts will win many men and women this year to the standard of business efficiency in the conduct of municipal affairs in Grand Rapids.

THE DEFEAT OF CITY-COUNTY CONSOLIDATION IN ALAMEDA

BY E. W. WILLIAMS

Secretary of the Tax Association of Alameda County, California

A ten-year campaign and a most important pioneer attempt to consolidate a metropolitan area under a single city-county government with a city-and-county manager came finally to defeat in Alameda County in February. :: :: :: :: :: :: ::

FOR many years the question of consolidating city and county government in Alameda County, California, has been under discussion by civic organizations and other bodies.

Ninety per cent of the population of Alameda County reside in the western portion of the county. This western portion contains only 10 per cent of the total area of the whole county, forming a natural and complete metropolitan area, yet it supports seven separate municipalities and is topped with a

county government. No unincorporated territory intervenes the boundaries of the seven cities. Notwithstanding that the growth, habits, needs and common interests of the people of the western portion of the county had long since obliterated the arbitrary boundaries set up to keep the cities apart when this area was rural, and that their interests have become coincident rather than diverse, the local pride of each community would not down. Only one of the municipalities, Oakland, the

largest, appeared to be clamoring for consolidation.

The city of Oakland with a population of 220,000, comprising about 60 per cent of the total population of the county and paying 60 per cent of the total cost of county government, had long wished to relieve itself of dual government. There were many who felt that rather than be burdened with the costs of two governments, it would be better for Oakland to separate itself from the rest of the county and form a consolidated government of its own. There were equally as many others who favored a consolidation, yet felt that the whole western portion of Alameda County comprising the seven cities should be treated as a single administrative unit. They were not opposed to separation from the rural portion of the county, but believed that inasmuch as the needs of the seven cities were identical, and as these cities formed a compact urban area, there should be no dismemberment—at least no attempt at dismembership should be undertaken by Oakland initiating proceedings until an invitation had been extended to all to participate.

Many of the leading citizens of Berkeley felt that Berkeley was in an unique position; that by reason of it being the seat of the State University with 10,000 students, its aims and needs were different; that it was purely a residential city and, with its population of 65,000, it would be better off if it maintained a consolidated city and county of its own. Others in Berkeley favored consolidation of the whole county under a system of boroughs, and there were quite a few who believed that Berkeley should permit Oakland to proceed alone to form a separate city and county—and, if it demonstrated the efficiency of such a government, that Berkeley could later join Oakland.

The city of Alameda, containing a

population of 29,000, the majority of whom commuted to and from San Francisco each day, as their business was located in San Francisco, had always been adverse to joining Oakland. It much preferred to cast its lot with San Francisco—in fact, it had once voted to do so. Yet there were many in Alameda who thought that possibly under a proper charter and a system of boroughs Alameda might favor the plan; that the economies that could be effected by the cutting out of many duplicating agencies was worth the attempt.

As to the combined city and county tax rates of the three largest cities, *i.e.*, Oakland, Berkeley, and Alameda, based upon an equalization of true values as to assessment, there was very little difference. The smaller municipalities however—Piedmont, Emeryville, Albany, San Leandro, Hayward, Pleasanton, and Livermore—each had a much lower tax rate than the larger cities. Their rates, however, varied considerably. None of the smaller cities had a population of over 5,000—their average was 3,000. A few were backward communities. Emeryville had a tax rate for city purposes of 75 cents on each One Hundred Dollars' worth of assessed valuation. It was far behind the times in providing those things progressive communities are providing to-day. Emeryville's area lies directly between Oakland and Berkeley with no unincorporated territory intervening. By reason of its low tax rate it was able to and did attract many manufacturing plants.

Piedmont's location is unique to say the least—unique in that Oakland entirely surrounds it—an island you might say. Piedmont was incorporated prior to Oakland annexing territory surrounding it. Piedmont is a community of homes with no stores or business houses within its limits. It is a

wealthy community; the majority of its residents, like those of Alameda, commute to and from San Francisco each day. Its wants are few; its municipal government excellent and its tax rate exceedingly low, with the result that the majority of its people favored retaining full control over their local problems.

There were, however, many, not a majority, who were disposed not to stand in the way of greater consolidation, providing a proper borough system could be arranged.

On the whole the question presented many angles and difficulties—obviously so for the reason that not alone was it desirable to consolidate or merge the several cities, but also to do away with the cumbersome and overtopping county government with its attendant and expensive duplications. Maintaining seven separate municipal governments in a congested metropolitan area and on top a county government, the activities of which parallel in many instances the activities of the cities, could only result in a conflict of administrative authority and was bound to cause a great waste of time, energy and money. The question was how to bring the matter to a vote, and to enable the people of the several cities to vote intelligently, show them their partnership in the new government. The only way was to change the constitution of the state and permit the drafting of a charter for consolidation prior to submitting the question at an election.

WHY THE OLD PROVISION IS UNUSED

The Constitution already contained a provision under which any city having a population of 50,000 or more could proceed to form a consolidated city and county government and extend an invitation to other contiguous cities

and also unincorporated territory to join with it. Unfortunately, however, under this section the drafting of a charter would come after the proposal to consolidate was to be voted upon. Thus in submitting the proposal to other cities to join, the cities would not know in advance the provisions of the charter under which they would be governed. In other words, they would not know their interest in the partnership; consequently, it was thought futile to seek a merger under provisions that placed the cart before the horse. It was obvious that before submitting the question calling for an expression or vote, the charter or partnership papers under which the cities and the county were to be asked to federate should be prepared showing the particular form of government proposed and if a system of boroughs was contemplated, the rights and powers of each borough should also be shown.

Local pride in certain communities, particularly in the College City, Berkeley, where the University of the State of California is situated, made manifest that no consolidation could be effected except under a system of boroughs, and even under boroughs it was a grave question as to what administrative powers the people of Berkeley and the other localities would be willing to relinquish to the central government.

THE NEW AMENDMENT

It was such conditions that caused the enactment of the latest amendment to the State Constitution, the amendment under which the recent elections in Alameda County were held. The outward expressions of the people prior to the adoption of the amendment appeared to favor some sort of a consolidation. It was difficult, however, to determine just what sort should be

proposed. Therefore the amendment provided for consolidation of the whole county or an alternative—consolidation of a lesser area.

This amendment provided that the interests of all of the cities within the county (numbering ten in all) and that of the county may be merged and consolidated into one municipal government, with one set of offices, with or without a system of boroughs. The amendment also provided that a lesser area than that of the whole county, provided this lesser area obtained the consent of a majority of the electors of the whole county, may form such a consolidated city and county government, with the further proviso that the lesser area must include within its boundary any city having a population of 150,000 or over.

The amendment to the Constitution was prepared by the Tax Association of Alameda County, and was adopted in 1918. Among other things, it provided:

That before the question was submitted to the electors of the several cities, fifteen freeholders should be elected from the body of the county.

That said freeholders be empowered to draft a charter for a consolidated city and county government of the whole county, with or without a system of boroughs.

That should the freeholders determine a lesser area than that of the whole county desired to consolidate, the freeholders may submit the question in the alternative. In any event such separation must have the consent of a majority vote of the county.

HISTORY OF MOVEMENT

1920

Petition circulated and filed with board of supervisors requesting calling election for board of fifteen freeholders, to prepare and submit a charter for

consolidated city and county government.

1921

Fifteen freeholders elected. Charter prepared and filed August 9, 1921.

Alternative

Freeholders decide to submit question in the alternative, that is, providing that if a majority favorable vote was not obtained in all of the cities in the county making consolidation of the whole county possible, then a lesser area, which area must include any city having a population of 150,000 or over, by obtaining consent of a majority of the electors in the county, may proceed to form a consolidated government separating itself from the remainder of the county.

Provisions of Charter

The charter provided for a borough system, the boroughs to be the present cities of Alameda County; boroughs to have a small amount of local autonomy in matters of city planning, etc.

Charter also provided for seven councilmen to be elected from districts. Charter provided for a city and county manager to be appointed by and removed by council. Provided for mayor to be selected by council from its membership. Mayor to appoint members of board of education, nine in all; also the members of the civil service commission.

Elective Officers

The council, judges, assessor, auditor, and district attorney to be elective.

Appointive Officers

All other officers to be appointed by the city manager.

Civil Service Provisions

Charter provided for a system of civil service, excluding therefrom certain heads of departments who were to

be appointed by city manager. Civil service employes could be removed for cause by the manager. No right of appeal, however, was provided.

November 15

Election was held separately in all of the incorporated cities and towns in the county. The question submitted was: "Shall the cities and the county form a consolidated government under a system of boroughs to be governed by the proposed charter?"

Result of First Election

The proposition received a favorable vote in only one city, that of Oakland. All of the other cities (nine in all) voted against the proposal.

Further Proceedings

Oakland, the largest city having voted favorably and the question having been submitted in the alternative, the freeholders met again and defined the new boundaries. The proposal was then submitted as an indivisible question to the electors of the whole county at a special election.

Second Election 1922

On February 7, 1922, a special election was held. The main question submitted to the electors of the whole county as an indivisible question was: "Shall Oakland, Piedmont and Emeryville be permitted to separate from the original county of Alameda and form a separate city and county to be known as the City and County of Oakland?" Piedmont and Emeryville were included for the reason that if Oakland separated they would not be contiguous to the remainder of the county. Such a proceeding was permissible under the Constitution.

Light Vote

The proposal was defeated in the whole county, the vote being 17,000 for and 35,000 against.

The total registration of the county approximated 158,000, yet only 52,000 votes were cast at the election.

The light vote cast on such an important question can only be explained by reason of the strenuous campaign by the county officials as well as the officials of the several cities. The campaign against the proposal consisted mainly in attempts to cloud the issue and create a doubt in the minds of the people. It is a well-known fact that in matters of changes of governments or of laws whereon the people vote, the opponents only have to create a doubt in the minds of the people to cause them to stay away from the polls, or, if they vote, to vote "No." How often have we heard: "If in doubt, vote No." Four thousand employes in Alameda County, organized as never before, campaigned strenuously night and day for weeks creating that doubt with the result that many thousands of the electors stayed away from the polls. The politicians and their friends are always "on the job," and voted.

At the last presidential election, Alameda County cast 110,000 votes. At the recent consolidation election less than half of that number, or only 52,000 votes, were cast out of a total registration of 158,000.

At the second election naturally the division of the county cut quite a figure. Almost a unanimous press fought division. The opposition of the press plus the opposition of 4,000 well-organized officials and public employes and their friends was too much of an obstacle for the proponents to overcome.

Certain provisions of the proposed charter, too, had many objectors. Rightfully or wrongfully, conscientiously or unconscientiously, the attack on certain provisions of the charter lost the proposal many votes and also caused many who otherwise believed in

consolidation to stay away from the polls.

Chief Points of Attack by Opponents

Opponents claimed that the election of the council by districts was bad in principle and savored getting back into ward politics.

That a council of seven having only legislative powers was too small and not truly representative of the whole county.

That the appointment and removal of the manager by only four votes out of seven would tend to create a political machine and compel the manager to be always playing politics.

That the manager's power to "hire and fire" for cause, without the right to appeal, would disrupt civil service. That the vast amount of power given the manager made him a "Czar."

That the manager was not subject to recall.

That the appointment of all heads of departments and boards by the manager such as the sheriff, county clerk, city engineer, city attorney, chief of police, fire chief, tax collector, treasurer, coroner, director of public works, etc., would tend to build up a political machine and was undemocratic.

That the mayor should be elected by the people and not selected by the council from its membership.

That the appointment of the board of education by the mayor removed the educational department too far from the people.

One of the strongest objections was to the civil service provisions, which provisions did not provide for the right of appeal by a discharged employee. The provisions only provided that the discharged employee be given a written statement of the reasons of his discharge.

At the first election, while many of the provisions of the charter were

objected to, the most violent objections outside of the city of Oakland were directed against the borough provisions. The cities were to be organized as boroughs, but little or no local autonomy, however, was granted the boroughs. They might propose, but the council of the general government could overrule in many matters.

THE MERITS OF THE PROJECT

At the first election proponents of consolidation presented figures showing that consolidation of all of the cities and the county would save \$1,500,000 per year. Naturally the officeholders disputed these figures. Their main argument was that the charter fixed the salaries of only a few of the officials and did not fix the number of subordinates, and that no one could tell just what salaries or number of employees the new council would allow. It was also claimed that in failing to fix the number of employees and their salaries, the charter was wide open at both ends and in the middle. An absurd and ridiculous claim and absolutely without merit! Any charter bound up with limitations and restrictions as to the number of employees or the amount that should be paid said employees would tie the hands of government and make impossible proper functioning of departments.

During the campaign prior to the second election whereat the question of Oakland, Piedmont and Emeryville separating from the remainder of the county was submitted, proponents presented figures showing that the area proposed to be consolidated and therefore separated from the remainder of the county contained about 64 per cent of the population and about the same per cent of the wealth or assessed valuation. They also presented data and figures showing that under such

consolidation tangible savings of \$776,000 annually could be effected. These figures were prepared by the Tax Association after a thorough survey of the situation. The figures were submitted to and gone over by two of the leading certified accountant firms in the state. The two firms certified that "the annual saving which should be effected by the proper consolidation under the charter is approximately \$776,000, without taking into consideration or inclusion of economies that should be effected through centralized purchasing of supplies and greater efficiency of administration."

Opponents of consolidation wanted proof and still disputed the savings, claiming such savings were impossible to figure. I have always wondered how you could absolutely prove the cost of a government before it was established.

THE OPPOSITION

During the campaign prior to the first election, much bitterness was displayed in certain localities—all of it seemed to be directed at Oakland. The several localities claimed that Oakland was trying to gobble them up. The bitterness became acute. The statements made by Alameda and other smaller cities to the effect that they would never vote at the election or later to join Oakland, made it manifest that if Oakland voted favorably at the first election, and if it ever wished to rid itself of dual government it must continue the fight even if it had to go it alone.

The result of the first election showed that although the proposal was defeated as to consolidation of the whole county, nevertheless, Oakland had voted favorably; consequently the calling of a second election on the alternative proposition was mandatory in order to determine whether the people of the

whole county would permit Oakland to separate. Inasmuch as the second election was mandatory there seemed to be nothing else for the proponents to do, but to still favor the plan.

The question to be determined by the original advocates of consolidation and those who had carried the blunt of the campaign up to the first election was: Shall Oakland with 60 per cent of the county's population and paying 60 per cent of the cost of county government continue under its dual and expensive system, or shall it proceed and make a start by shaking off the dual system and demonstrate the efficiency of a consolidated city and county and the manager plan, trusting that later the localities then opposed would vote to join.

Thus a condition was changed—for it must be truly said that the Tax Association and other civic organizations, who for years had favored city and county consolidation, always proceeded upon the theory that any consolidation contemplated should at least include the whole metropolitan area. In that it did not so include this area they were disappointed. They figured, however, that half a loaf was better than none, and that it might eventually lead up to greater consolidation.

The same arguments against the proposal and the charter were used in the second election as were used in the first, with the additional argument against division of the county. The anti-division cry was the strongest and in the final analysis had more to do with defeat at the second election than anything else.

Many well-intentioned plans fail. This will be ever so unless all of the people interest themselves in government, at least interest themselves to the extent of voting at all elections. For the time being consolidation of Alameda County and its cities has been

defeated. But in this defeat even the bitterest opponents concede that some day the hopes of the consolidationists will be realized. The opponents polled their full strength. For some reason over 100,000 registered electors out of a total of 158,000 registered failed to vote.

NEXT?

In the result we have witnessed political history repeating itself. Every forward-looking program that has been proposed, since the birth of the Nation, has, as a rule, been defeated on the first attempt. All new departures have suffered similar fate, but they have won out in the end just as consolidation and the manager type of government for Alameda County will win in the end. Those who for many years have been on the firing line "keeping the light of publicity burning" in the campaign for better government have not become disheartened because of defeat. They realize that the overpowering menace confronting all such movements is public apathy. They take some hope from the fact that other localities throughout the United States are coming to the realization that county government as organized today is a failure; that its abolition in all metropolitan areas is being advocated throughout the United States. In

Cleveland, Minneapolis, Milwaukee, Los Angeles, Portland and many other places, the movement has taken root.

The public has never failed in finally securing changes or reforms that it demands. The matter, however, is one that entirely rests in the hands of the people, but the people must be educated to a proper understanding of the business of government.

When the people recognize that government is a business, and that it is susceptible of efficient conduct and that the best interests of the Nation demand efficiency and economy in the expending of public funds; when they realize that the government is theirs and that civic duty demands that they take part in all elections, then will the way be cleared for a type of community government that will eliminate every form of county and municipal waste, substituting therefor the highest type of a city and county government with its great benefits in place of the archaic patchwork now so inadequately serving the needs of the communities.

It is too early to predict the next step. The movement for a more efficient government in Alameda County is not dead. The work already done has not been wasted. If it has helped to teach the people to know their local government, it was worth the time and effort spent in the campaign.

FIGHTING RATE INCREASES BY THE RECALL

BY J. D. BARNETT

In academic discussions it used to be often asserted that judicial officers might be recalled for making correct but unpopular decisions. Now at last we have a case similar to it. :: :: :: ::

EARLY in March, 1921, an order of the public service commission authorizing what seemed to be an outrageous increase of telephone rates, following as it did other utility rate increases, aroused fierce resentment throughout the state, and immediately a movement to recall the three commissioners began. But the law protects officers against recall until after six months' service, and thus only one member of the commission, the one elected in the state at large, was subject to immediate attack. It was the intention to subject him to a recall election at the same time as the special June referendum election, and, after getting the "people's verdict" in his case, to settle with the others, elected in the two districts of the state, at a later special recall election.

A central committee for the recall campaign was formed in Portland, and, "to take the liability from individuals, give the committee standing in law, and give the organization permanence," the committee was incorporated. Support came from local organizations in various parts of the state—city councils, granges, special committees, etc., and many individuals volunteered to circulate recall petitions. The Law and Order League opposed the recall. Portland continued to be the center of agitation throughout the campaign.

In the formal charge against each

commissioner the recall is demanded "for the reason that he is inefficient, and fails to give proper consideration to the public interests in permitting and fixing unreasonable and unjust rates and charges to be charged for telephones by telephone companies." The commissioners answered that their action had been entirely justified by the circumstances of the case.

Early in the campaign two alternative remedies were suggested—petition to the commission for a rehearing and appeal to the courts. The latter was avoided, but a petition for rehearing was filed. After a month's delay the commission ordered a rehearing, finally fixed for the middle of July.

Apparently enough signatures for the petition against the commissioner-at-large (twenty-five per cent of the number of voters who voted at the preceding general election for justice of the supreme court) had been obtained before the rehearing opened. By that time the six months' exemption period for the district commissioners had expired, and the "crusade" against them began immediately. The recall committee declared they had no hope of any favorable results from the rehearing, but they were accused of using the threat of recall to influence the decision of the commission. That decision was not made until late in February. The commission then reaffirmed their original order in every par-

ticular, and at the same time delivered a violent and absolutely uncalled for tirade against the petitioners for their affrontery in demanding the rehearing. This aroused general indignation, and greatly stimulated the recall movement. Enough signatures to the petitions against the commissioner-at-large and one of the district commissioners were obtained in time to fix the recall election at the same time as the direct primary election in May. Not enough signatures to the petition against the other commissioner were obtained.

Not a suggestion of candidates to succeed the commissioners attacked was made public until less than two weeks before the election. Then a "somewhat stormy" convention under the auspices of the recall committee nominated a candidate to oppose each of the commissioners, another Portland convention nominated one of the candidates rejected by the committee's convention, and endorsed the other, and a third Portland committee nominated two other candidates. Two of the nominees declined, and so finally two candidates appeared on the ballot opposed to one of the commissioners attacked, and one candidate against the other.

Before the recall petitions were filed, an alternative to the recall was proposed—the initiation of a measure or measures to be submitted at the November general election, which would

substitute a commission appointed by the governor for the elective commission, and authorize a review of the rate decision by the new commission. Such measures were finally drafted and petitions circulated for them by the Hotelmen's Association, whose members had been hard hit by the rate increases. The (very probable) approval of these measures would terminate the office of all the commissioners immediately, and thus make the terms of the officers substituted by the recall election very short; and the term of the commissioner-at-large attacked would expire in December anyway. But the recall committee saw no incompatibility between the two movements, and proceeded to file the recall petitions. The commissioners attacked refused to resign (which they may do under the law to avoid a recall), and a recall election was duly ordered.

Arguments for the alternative of the initiative measures, in justification of the increased rates, against the recall as a method of correcting administrative errors, against the principle of the recall system itself, and against the danger in putting unknown individuals into office apparently did not prevail with most of the voters, who felt themselves both unduly burdened by the increased rates and insulted by the commissioners. The commissioners were both recalled by large majorities.

CONGRESS CONSIDERS THE FEDERAL EMPLOYEE

BY ROBERT MOSES

A decade of agitation, three years of investigation and a compromise in sight. Budget and Civil Service—the distinction between the job and the employee. :: :: :: :: :: :: :: ::

I

THE movement to improve the government personnel and to establish a definite and equitable employment policy was slow to reach Washington. The larger cities and states became dissatisfied with the negative recruiting aspects of civil service reform and proceeded by means of salary standardization, budget reform and civil service reorganization to develop a positive program of personnel management long before Congress gave any serious thought to this question. There are at least three reasons why Congress has been slow to act. In the first place, the central group of federal employees in the District of Columbia do not vote and the other federal employees, excepting the postal service which is already fairly well classified and a very few others, are too scattered to be politically influential. In the second place, the absence of an executive federal budget system and unco-ordinated congressional committee appropriation methods prevented the development of any uniform policy. In the third place, the improvement and extension of civil service has been and to a considerable extent still is positively unpopular in a number of influential circles in Congress. In these circles the civil service principle is reluctantly recognized only on account of the weight of popular opinion

and only in its negative aspects. Some of these groups are frankly hard-boiled and demand the spoils for the victors, some render lip service to the merit system but think it should be restricted to what they call subordinates or clerks, and some loudly proclaim that no successful business, least of all a government, can be run on civil service principles and that if a good two-fisted business man could fire half the federal employees, there would be plenty of good jobs for the rest without any uplift surveys. All of these groups, by whatever name or creed, unite in a common dislike of personnel improvement and give a ready ear to the wildest stories of inefficiency, loafing and crookedness in the government departments.

It is difficult to say what proportion of Congress resides in the anti-civil service groups. It is certainly a steadily decreasing minority; and it is only fair to say that the reclassification movement has done much to enlighten Congress on the subject of federal employment, and that the great majority in Congress, having recognized the problem, is genuinely anxious to cope with it.

II

The awakening of Congress was largely due to the employees themselves. They organized as a union affiliated with the American Federa-

tion of Labor. As an academic question it may be interesting to discuss whether or not government employees should unionize. But this was far from an academic question. The more progressive and dissatisfied among the hundreds of thousands of federal employees believed, and probably rightly, that unionizing presented the only way of improving intolerable conditions. The head of the Federation of Federal Employees had observed the results of intelligent budget making, modern civil service administration, and salary standardization in other government units. He carried his ideas to Washington and in the course of time with the influence of his union and of other interested groups inside and outside of the service succeeded in getting a congressional committee appointed to study employment and salary conditions in the federal service with a view to reclassifying the service. The so-called Reclassification Commission consisted of three lame duck congressmen who had been defeated for re-election and were kept on the federal payroll as members of this Commission, and three senators. Of the lame duck congressmen one was a real asset to the commission and was to a considerable extent, responsible for its producing anything of value. Of the three senators, two gave very little time to the Commission and the third, who had taken up aviation as the serious business of life, gave practically no time at all. The Commission employed a firm of professional accountants to direct the staff work, and brought about the assignment of a number of employees from the various departments to assist in the specialized subdivisions of the study. An immense amount of information was collected, most of it unfortunately in a form not readily kept up to date. The work was fairly well directed but was necessarily uneven

because of the character of the force which was employed. Toward the end of the study the Commission foolishly divided the responsibility for the staff work which came to an abrupt end when only enough funds remained to print the report. The report itself was a monumental work containing much valuable information and a voluminous bill and classification such as no Congress of this generation would conceivably adopt.

The principal defects pointed out by the Commission in the personnel administration of the federal government were lack of uniformity in salaries, failure of salaries to keep pace with the cost of living, absence of proper standards relating salary to work performed and to titles, the existence, side by side, of unrestricted lump sum appropriations and of rigid statutory appropriations, the absence of a proper promotion system and of a plan of regular increases in salary within grades, and finally the absence of uniform rules governing working hours, sick leave, housing and welfare, safety, probation, training, testing of efficiency and transfers. The Commission concluded that the results of these defects were impaired morale, excessive turnover, waste and inefficiency in the government service, and a general condition of employment unattractive to a desirable type of technical employee.

There can be no doubt that the Reclassification Commission's report contained most of the fundamental principles on which any sound plan of improvement in government personnel must rest. However, the bill and classification in which these principles were incorporated were in many respects defective or ill-considered. The bill contained detailed welfare and civil service provisions which should either have been the subject of executive order or departmental regulation,

or should, at least, have been incorporated in a separate bill. The proposed classification was absurdly complicated, contained many errors and inequalities, and would have been the subject of endless controversy in Congress if anyone had taken it seriously. The entire administration of the classification was placed under the civil service commission including fixation and control over all salaries and the allocation of all employees to their proper positions under the classification.

III

The report and bill attracted a great deal of attention and considerable favorable comment but made no progress. The Federation of Federal Employees then employed the writer of this article, who, with Mr. Morris B. Lambie, prepared a brief for the Federation, recommending a revision of the reclassification bill. In addition to the criticisms mentioned above, this brief pointed out that the Reclassification Commission had failed to consider the imminent passage of a budget bill. It was pointed out that about half the work of the Budget Bureau should deal directly with personnel and organization and that the proposed control over salaries by the Civil Service Commission would seriously interfere with the functions of the Budget Bureau. It was also pointed out that numerous positions in all branches of the government were not in the classified service and that there was no likelihood that Congress would consent to place them there. The fact was also emphasized that a centralized employment agency is workable in private industry but impossible in the federal service where there is no one final authority. The theory of separation of powers and of checks and balances presents a serious obstacle to the es-

tablishment in our federal government of a uniform and equitable policy of employment. Both Congress and the Executive are slow to surrender their prerogatives. The establishment of an executive budget system has served in part to bridge this gap. What is required in addition is a standard classification of positions and salaries constituting an agreement renewed from year to year and always reflecting the needs of the service and the economic conditions of the day. Under this agreement Congress assures the Executive of adequate salaries and employment conditions for the government personnel, and the Executive promises to recommend the most economical establishments possible through his Budget Bureau, and after the budget is adopted agrees through the Civil Service Commission to obtain and maintain a qualified loyal and efficient personnel. The relative functions of the Budget Bureau and Civil Service Commission are of immense importance. The control over salaries and grades of positions and the recommendation of changes to Congress is a budgetary function, indeed it is fully half and the most difficult half of the work of a budget bureau. The problem of filling positions, of dealing with the employee as an individual, is the function of the Civil Service Commission. The brief which we presented indicated that the most serious error of the Reclassification Commission lay in its attempt to place in the hands of the Civil Service Commission powers which inherently belonged to Congress or to the Budget Bureau.

The subsequent history of employment reorganization centers about this problem of administration of standards; although many other problems and personalities deserve mention. This history is most readily

followed by a brief analysis of the various classification bills introduced in Congress. There were four such bills.

(1) The original Reclassification Commission bill introduced by Representative Fairchild which made no progress.

(2) A bill introduced by Senator Smoot and Representative Wood which would have placed the entire interpretation and administration of a skeleton classification in the hands of the United States Bureau of Efficiency. This bill was bitterly opposed by all the groups interested in sound reclassification. It was finally voted down in the House section by section, and as a whole.

(3) Senator Sterling's Bill which placed the administration of the new classification in the Civil Service Commission but otherwise followed in most essentials the Lehlbach Bill mentioned below.

(4) The Lehlbach Bill. This bill was originally prepared by the writer of this article who was employed as a technical advisor by the Chairman of the House of Representatives Committee on Reform in the Civil Service, Frederick R. Lehlbach of New Jersey, to revise the Reclassification Commission's report and bill. This was done with the assistance of representatives of the departments and of the Institute of Government Research and resulted in the so-called Lehlbach Bill, which, in a revised and shortened form with the inevitable compromises, passed the House by a vote of 244 to 65 and has been reported favorably with amendments by Senator Sterling, chairman of the Senate Committee on Civil

Service. The principal amendment took the administration of the entire classification out of the Budget Bureau and placed it back under the Civil Service Commission and also gave the Civil Service Commission wide powers to revise the entire classification which the Lehlbach Bill intended to leave in the hands of Congress. The Lehlbach Bill has recently been referred to the Senate Appropriations Committee for consideration of compensation schedules only. It is opposed by Senator Smoot, but is apparently scheduled by the majority for favorable report if and when attention can be diverted from the tariff, soldier bonus and other hot weather subjects. The battle over the administration of the classification will be waged all over again if the Senate adopts the Lehlbach Bill in its present form, and there are other controversial matters to be settled, but some favorable action is fairly certain before Congress adjourns.

The writer has been a little too close to the machinery not to feel the pounding and grinding due to poor repair work, and the rattling of the various monkey wrenches carelessly or maliciously dropped into the works. It is impossible to feel unalloyed enthusiasm for a product which has undergone so many dubious changes and whose most essential principle is in doubt; but the bill in any event represents an immense amount of constructive effort on the part of many earnest people, and even if it passes in its present form will do more than any one act since the establishment of civil service in 1883 to lift up the morale of the federal service.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Bacharach Bill to limit the jurisdiction of United States district and circuit courts in public utility rate cases, a bill of unusual interest to cities, has been introduced in the House of Representatives by the Honorable Isaac Bacharach, of New Jersey. It has been the subject of special hearings before the Committee on the Judiciary and has received extensive public discussion. It provides in states with machinery for public utility rate regulation, that in any case when rates have been fixed by a state commission and are not acceptable to the company, and if they are subject to review by the state courts, then the company must first exhaust the possibility of redress in the state courts before it may proceed to the federal courts for relief from the order.

At the present time, if a company is dissatisfied with the rates fixed by a commission, it has the choice of going either to a state court or proceeding directly to the United States District Court, with the right in either course of final appeal to the Supreme Court of the United States. The purpose of the Bacharach bill is to abolish the second course, and to limit the company to the first line of action. While in the great majority of cases, in the past, the companies have resorted to the state courts, recently in some very important cases they have proceeded directly to the federal courts for injunctions against rates fixed by commissions. This course has been taken notably by the Public Service Corporation of New Jersey against electric railway rates fixed by the New Jersey Board of Public Utility Commissioners and by the New York Telephone Company against telephone rates fixed by the Public Service Commission of the State of New York.

There are two arguments of public importance in favor of the Bacharach bill. The first is that the state courts are much closer to local conditions and are thus better able to judge properly all the facts upon which the rates were based. The second is that in the state courts the facts and records on which the commission made its order will be reviewed and will be received directly as evidence, while in the federal court an

entirely new record must be provided, so that all the extensive work of appraisal, receiving proof, sifting evidence, analyzing costs, etc., will have to be done over again without regard to the special prior work of the commission.

If the practice of direct appeal to federal courts were to become extensive, there would be inevitable duplication of work, and piling up of unjustified expense. Moreover, the companies in keenly contested cases would hold back on evidence before the commissions,—depending on the new record before the federal court,—and thus cut into the effectiveness of the commissions' decisions. The fixing of rates and other matters of regulation are primarily of local concern; the commissions, although subject to serious criticism, are special bodies, with technical facilities to carry out state policies. The development of desirable local regulation should not be impeded by appeal to federal courts, which are not properly equipped to handle the special and extremely technical cases.

The United States District Court of the Southern District of New York has issued an injunction against the telephone rates above referred to. The Public Service Commission had devoted many months to investigation and probably because of unstable industrial conditions, had practically kept the case open for adjustment as conditions warranted. It had first granted substantial increases; then on further developments had ordered a moderate reduction; and finally on March 3, effective April 1, 1922, ordered a further cautious decrease—which is the subject of the federal injunction. The case is exceedingly technical, and the commission with all its special facilities has had grave difficulty in reaching a decision. But the order, painstakingly if not painfully derived, has been set aside by the federal court, merely on the presentation of affidavits, and the whole matter will go for determination to a master—who, of course, will know nothing of the facts and, naturally, with lack of special experience, will hardly be competent to pass properly on the facts when presented.

This is exactly the situation which is sought to be avoided by the Bacharach bill, to correct a

situation for which the federal court is not responsible. The measure has already received the active support of the City of New York, Chicago, the New Jersey League of Municipalities, also many other cities which cannot be individually mentioned. It should be vigorously backed by every person and organization interested in effective public utility regulation.

JOHN BAUER.

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Arizona Reforms its Finances.—Arizona has made notable progress this year in its fiscal control. Governor Campbell called a special session of the legislature that met during April and upon his recommendation in view of the pressing need for economy passed a sweeping state financial code.

The financial code provides that in the future appropriations to carry on the activities of the state government must be included in a single appropriation bill that is to be submitted by the governor along with the budget to the legislature. The code abolished 179 continuing, revenue, and indefinite appropriations. One example may be cited that indicates what this provision alone accomplished. Before the code was enacted one department that had four continuing appropriations expended approximately \$350,000 per year. Practically no attention had been given to the expenditures of this department by former legislatures because it did not request any appropriation. After the code was adopted, a careful examination was made of the expenditures of this department, and it was found that greater efficiency and a higher standard of work could be maintained with an annual appropriation of \$92,000.

The code abolished all special funds, except the permanent funds prescribed by law, and placed their receipts in the general fund. There are now no idle or dormant funds. The investment and management of permanent funds are prescribed by the code. Expenditures for capital outlays cannot be made until after the money is in the state treasury. Appropriations are classified and expenditures must be itemized according to an object classification that is prescribed by the code.

Under the provisions of the code no state agency can expend more than one-fourth of its appropriation for the fiscal year during any quarter without the approval of the governor and the auditor jointly. By this control, it is proposed to eliminate emergency and deficiency

appropriations in the future. All unencumbered balances of appropriations revert to the treasury at the end of the fiscal year.

Following the enactment of the financial code, the legislature repealed the appropriations for the biennium that had been made the preceding year and enacted a general appropriation bill covering the second year of the biennium—July 1, 1922 to June 30, 1923. By this procedure savings were made immediately that will reduce the state tax levy for the next fiscal year by 33½ per cent.

A. E. BUCK.

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A Hodge-podge Administrative Consolidation in Maryland.—Following the recommendations of the reorganization commission in its report to Governor Ritchie last September, the 1922 Maryland legislature enacted a state reorganization bill. This bill was approved by the governor on March 1, and will become effective on January 1, 1923.

The reorganization act provides for placing practically all the administrative agencies of the state government, both constitutional and statutory, in nineteen groups. These groups are as follows: (1) executive department, (2) finance department, (3) department of law, (4) department of education, (5) state board of agriculture and the regents of the university of Maryland, (6) department of militia, (7) department of welfare, (8) department of charities, (9) department of health, (10) department of public works, (11) commissioner of motor vehicles, (12) conservation department, (13) department of public utilities, (14) state industrial accident commission, (15) commissioner of labor and statistics, (16) department of state employment and registration, (17) inspector of tobacco, (18) Maryland state board of censors, and (19) Maryland racing commission. Only nine of these groups or departments are headed by single persons; the others are either administered by commissions or by dual or triple-headed executives. The governor can control by appointment the administration of only about half of the so-called departments. For example, the department of finance is to be administered by three constitutional agencies, namely, the comptroller elected by the people, the treasurer appointed by the legislature, and the board of public works consisting of the governor, comptroller, and treasurer. The department of law is to be under the constitutional elective attorney general.

The internal arrangement of some of the departments is anomalous. The plan provides that the department of finance will have three divisions, namely, financial review and control, deposit and disbursement, and board of public works. The division of financial review and control is to be headed by the comptroller, and the division of deposit and disbursement is to be supervised by the treasurer. The board of public works is the fiscal agent of the state with reference to internal improvements. Under the division of review and control are to be placed an auditor and deputies appointed by and reporting to the governor, the bank commissioner, the insurance commissioner, the state purchasing agent, and the state tax commission. It would seem hardly possible for the comptroller to perform an independent and unbiased audit of the state's expenditures and revenues with all of these administrative units working under him. Of course, the governor appoints practically all of these officers, and this makes the proposed arrangement even more of a hodge-podge. Then the proposed executive department is largely an *omnium gatherum*. It will contain, besides the executive office, the secretary of state, the commissioner of the land office, the state librarian, the parole commissioner, the superintendent of buildings and grounds, the department of legislative reference, and the commissioners for uniform laws. Three of these are constitutional agencies.

Only a few minor boards and agencies are abolished by the act. In most instances others are created to take their places, either in an administrative or an advisory capacity. The plan of regrouping the activities apparently does not reduce the number of state officers and employees, nor does it promise to reduce the cost of administering the government. When the plan goes into operation, it is unlikely that the governor will find himself in any better position for managing the affairs of the state than he is at the present time. On the whole the proposed plan appears not to be a reorganization at all, but merely a sort of consolidation under which the existing administrative agencies are to be corralled in nineteen groups. For this reason the Maryland plan gives less promise of success than any plan of state reorganization yet adopted.

A. E. BUCK.

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The Tax Supervising and Conservation Commission of Multnomah County, Oregon, consists

of three persons appointed by the governor with authority to veto items in the ever-increasing budgets of 17 local tax levying bodies including the city of Portland. Originally it was merely advisory and was ignored; in June 1921 it acquired this veto power. The 17 governments are the County, City of Portland, Dock Commission, Port Commission, the urban School District, 3 towns, 5 water districts and 4 drainage districts, the first five being the important ones and involving the same territory.

Although tax limits have been embodied in the constitution and statutes of Oregon, they have proved to be about as ineffective in really limiting tax burdens as in other states of the Union. In the nature of the case, each of the above units has, year after year, levied its taxes in consideration of its own needs only, irrespective of the relative needs and demands of the other bodies. The inevitable result of this decentralized organization and the failure to get a complete financial picture of the government as a whole has been the pyramiding of taxes.

The new law provides that the Tax Supervising and Conservation Commission shall enforce its budget decision by tax levy certifications. Briefly, the various levying boards are required, on or before the first day of October of each year, to submit to the Commission their detailed budget estimates for the next ensuing fiscal year, giving historical data for three and a half preceding years. Budget hearings before the Commission are provided for. The Commission is not empowered to increase items of the budget unless the increases are requested under emergency circumstances by the levying bodies, and the vote of the Commission has to be unanimous. The law requires the Commission to direct the various levying bodies to levy certain taxes in accordance with its findings and conclusions. In case a levying board does not levy the tax certified by the Commission, the Commission is authorized to make the levy on its own account and the County Assessor is required to extend the Commission's levy on the tax roll, all levies extended contrary to the provisions of this law being declared null and void.

The law has been tested before the courts, through the efforts of the city administration, both as to constitutionality and various points of jurisdiction, and has been sustained in all respects.

Each one of the seventeen levying bodies was given adequate hearing in October, 1921, and

in the case of the city and county these hearings were followed by special hearings at which the administrative officers of particular departments, bureaus and offices were questioned and interviewed.

The total reduction finally made was approximately \$600,000 which appears small in amount as compared with the total levies of about \$10,000,000, but it should be noted that this was accomplished without the reduction of governmental salaries and without the elimination of any lines of governmental activity. Two-thirds of the total reduction was accomplished in the budget of the City of Portland.

In the main, opposition to the work of the Commission has emanated from the City administration, which has staged a campaign of publicity in the press with a view to discrediting the Commission.

There are some who look to government reorganization and consolidation and the establishment of an effective local budget system as a solution of Portland's difficulties. But until such time as this ultimate remedy can be applied, they are inclined to support the new Commission in its efforts to secure co-ordination.

C. C. LUDWIG,

Executive Secretary of the Tax Supervising and Conservative Commission.



The New Administrative Code in Washington is working well, has led to the elimination of 474 employees and the saving of \$1,000,000 a year in the state's expenditures, according to Governor Louis F. Hart, whose statement on the first year of the code has been issued in pamphlet form by the Republican State Central Committee. The end of the preceding biennium in March 1921 found practically every department asking for deficiency appropriations, of which \$1,250,000 were granted. After the multifarious bureaus, offices and commissions of the state had been grouped into an orderly cabinet system of ten departments, the governor and his department heads undertook to live 15% inside the monthly proportion of the authorizations and the first year closed with more than 15% unspent in the administration as a whole.



Government of South Carolina Studied.—As a result of the studies made last summer and fall by the Joint Legislative Committee on Economy and Consolidation considerable progress

was made at the legislative session ending in March in improving the state's fiscal and revenue systems and in bettering the general organization and operating procedure of the state government.

During the summer and fall of 1921 the Joint Legislative Committee made intensive studies of the organization, personnel, and operating procedure of each of the fifty departments, institutions, boards, and commissions constituting the executive branch of the state government and also of the legislative and judicial branches. In this study, as well as in its analysis of the revenue problems and the drafting of revenue and other bills, the Committee secured the services of Griffenhagen & Associates, Ltd., of Chicago, who supplied experts in government finance and accounting, organization, engineering, education, social welfare, office administration, and institution management, including Fred Telford, Hugh J. Reber, W. T. Middlebrook, and G. R. Haigh.

The attention given to the revenue measures, coupled with the short session of only two months, prevented the Legislature from giving to the Committee's economy measures the attention they would otherwise have received. Though the studies of the experts indicated that the state government is economically administered, the Committee recommended that the operating costs be reduced by about ten per cent of the amounts appropriated for 1921 and pointed out just how these reductions could be made without cutting state expenditures for schools, highways, health, or other legitimate activities. Specific examples of bad internal organization, overmanning, ineffective procedure, poor equipment, and other wastes were cited. The need of consolidations was pointed out and eleven specific consolidations recommended. Complete reform of the state's auditing system was strongly urged in order to prevent waste and extravagance on the part of several state agencies. In the pressure at the end of the session when the revenue measures were out of the way it proved impossible to accomplish a great deal with these matters but several marked improvements were made and a number of state agencies put on notice to mend their ways; some have taken effective steps since the Legislature adjourned to carry out the Committee's recommendations, thus making legislative action unnecessary. It seems very likely that next January the Legislature to be elected in November will have be-

fore it from the beginning of the session the problem of putting into effect the Committee's various recommendations as to the steps to be taken to effect every possible economy.

SENATOR NEILS CHRISTENSEN,

Chairman Committee on Economy and Consolidation.



Recent Finance Reforms in Nebraska.—Under the leadership of Governor McKelvie and with the able assistance of Mr. Philip F. Bross, secretary of the department of finance, notable progress in state finance reform has been made recently in Nebraska. A uniform fiscal year, beginning July 1, has been established. All special mill levies, except the capitol fund levy, have been repealed. This included the repeal of the university and normal school levies. A new budget law was enacted by the 1921 legislature which provided for a centralized control of appropriations through quarterly estimates approved by the governor. This law is in advance of most executive budget laws in that it provides a procedure by which the governor can control the expenditures of department after the appropriations have been made by the legislature. Most budget laws provide only that the governor shall make up the budget for the legislature and do not prescribe any procedure by which he can control the expenditures after the appropriations have been made. Under the Nebraska system, the governor, through the approval of the quarterly estimates, can prevent state spending agencies from incurring deficits. Not only that, but he can ascertain within a few months after the biennium has started if there is going to be a surplus and can have the appropriations reduced, as was done at the special session of the

legislature called by Governor McKelvie in January of this year.

The department of finance gathers daily and from monthly reports information of vital importance to budget making. It is constantly giving publicity to state, county and city expenditures that is of great value in affording a better understanding of government expenditures. The accounting and record keeping system of the department is very good and deserves the study of all who are interested in improved financial methods for government.

A. E. B.



Missouri Constitutional Convention convened on May 1 and got into a long, discreditable partisan deadlock of several weeks' duration over the election of officers.



Kansas City's Charter Commission is hostile to the city manager idea but has moved toward simplification by voting to abolish the two-house municipal legislature in favor of a single council. This leaves Baltimore to furnish the last remaining example among the larger cities of the quaint anachronism in America.



Maine Holds a Referendum in the fall on abolishing the direct primary. Both parties are on record against the primary and in favor of reversion to the convention system.



Three Referenda Are Expected in Arizona.—1. Repealing the direct primary. 2. Extending to four years the term of members of the legislature. 3. Disfranchising all but owners of real estate from bond elections.

II. GOVERNMENTAL RESEARCH CONFERENCE NOTES

Tenth Governmental Research Conference was held at Cleveland on June 1-3 with sessions on Taxation, Cost of Government, Criminal Justice, City Manager Plan and Relation of Research to Universities. A dinner session was devoted to State Reorganization in Ohio with Governor Davis of Ohio as guest.



Administrative Survey of South Dakota.—The 1921 legislature of South Dakota authorized the governor to conduct an efficiency study of the state administration. To make this study

Governor McMaster secured the services of the New York Bureau of Municipal Research. The work was begun in January, 1922, and was completed four months later. A complete report of the findings and recommendations of the Bureau was submitted to the governor on May 15th.

The first part of the report is rather brief and is intended for popular information. The second part covers in detail finance organization, budget making, purchasing, employment, accounting and reporting, state tax and revenue system, debt administration, agriculture and home build-

ing credit enterprises, hail insurance, institutional management, and public works administration. It is intended to be used more as a guide to the administrators in installing the procedure and in carrying out the recommendations that are proposed. It is understood that this report will be used by the governor as a basis for recommendations to the 1923 legislature.



Bonded Debt Statistics.—Owing to the delay and the new methods now employed in getting out the Federal census statistics of cities the Detroit Bureau of Governmental Research has, with the co-operation of other bureaus, accomplished the feat of assembling and issuing a table of the comparative bonded debts of the 32 largest cities as of January 1, 1922.



The New Mexico Tax Bulletin takes the place of *The Tax Review* formerly issued by the Taxpayers' Association of New Mexico. The first issue of the new periodical under date of January, 1922, contains two excellent reviews of the six years of the Association's work by H. J. Hagerman, its president, and R. F. Asplund, its director.



Milwaukee's Tax Problem is the main theme of the annual report of the Citizens' Bureau for 1921. The growing seriousness of the financial situation is riveting attention in Milwaukee as in so many other cities, but the Bureau sees ground for encouragement in the resolution of the board of estimates of Milwaukee to extend the annual budget procedure to cover a period of ten years.



Health and Welfare provisions of twenty-five of our largest cities are covered in a pamphlet by the Kansas City Public Service Institute. The study shows the gradual abandonment of the plan of control of health by a health board; the occasional inclusion of health as a division of welfare; and lack of any agreement as to the proper placing of general hospitals in the scheme of organization.



The Financial Organization of Kansas City has been thoroughly surveyed by the Institute, which offers a comprehensive plan of reconstruction.



Kansas City Charters have been analyzed by the Institute, also, along with proposed changes.

The graphs of the several charters under which the city has operated during its history are of general interest.



Motor-driven Equipment for Street-Cleaning is to be experimented with by the Detroit Bureau of Governmental Research. For this purpose the Bureau has undertaken supervision of two square miles of street-cleaning area.



El Paso, Texas, has undertaken a survey of its municipal government, utilizing the Institute for Public Service and the Bureaus associated with it. Gaylord C. Cummin has been in charge and has had with him Arch Mandel of the Detroit Bureau and A. L. Weeks of the Detroit Board of Education and formerly of the Bureau.



C. A. Crosser, five years with the *Toledo Blade*, has been appointed Secretary of the Toledo Commission of Publicity and Efficiency, vice Wendell F. Johnson resigned.



Governmental Research, as conducted by civic organizations and universities, is being surveyed by a committee of the American Political Science Association, consisting of Chas. E. Merriam, John A. Fairlie and Robert T. Crane. The committee hopes to secure closer relations between research organization and stimulate more extensive activities.



The City, a monthly bulletin, is again being published by the San Francisco Bureau of Governmental Research. The Bureau is also conducting a Municipal Affairs Department in the columns of the Sunday edition of the *San Francisco Journal*.



The Institute for Public Service has concluded the survey of Flint, Michigan.



Gerhard E. Gezell, formerly Secretary of the Cleveland Civic League, has been appointed director of finance in the new Cleveland administration.



The Citizens' Research League of Calgary has been established with Bruce L. Robinson as President, and A. B. Silcox as Director. Mr. Silcox was formerly with the Toronto Bureau. The address is 520 Lougheed Building, Calgary, Alberta.

Winnipeg citizens have re-appointed a committee empowered to organize a bureau of research. This is through the efforts of Horace L. Brittain, Director of the Toronto Bureau.



The Re-organized Municipal Court of Detroit, which has attracted nation-wide attention through its effective operations, is being reported on by the Detroit Bureau for the second time.



Georgia State Government is being surveyed by Griffenhagen and Associates of Chicago.



Frank S. Staley, formerly Director of the Minneapolis Bureau, is now connected with the Rockefeller Foundation at 61 Broadway, New York.

The Growth of City Activities in Detroit, with the increased costs and other data is covered in Bulletin No. 70 issued by the Detroit Bureau. This study covers the annual addition of activities over a period of one hundred years since the incorporation of the city, and gives the concrete effects of the development of municipal government in one large community.



Bonded Indebtedness of the City of Duluth has been made the basis of a plea by the Taxpayers' League of St. Louis County for the substitution of serial bonds for the older sinking-fund methods. This Bureau has also issued reports recently on Purchasing in the County and on the Collection and Disposal of Refuse in the City.

ROBERT T. CRANE.

III. CITY MANAGER NOTES

New City Manager Cities.—Since January 1st we have added the following cities to our list of cities that have adopted city manager government by charter:

Chico, Cal., population 9339, in effect April 1923.

Bartow, Fla., population 5000, in effect January 1922.

Muskegon Heights, Mich., population 12,000, in effect April 1922.

Onaway, Mich., population 2789, in effect April 1920. (Found recently.)

Excelsior Springs, Mo., population 4167, in effect April 1922. (This is the first city in Missouri to adopt the city manager plan under the city manager statute enacted 1921 which made it possible for cities of the third class in Missouri to adopt the city manager plan.)

Grandfield, Okla., population 2000, in effect April 1921.

Ponca, Okla., population 7050, in effect February 1921.

Sapulpa, Okla., population 17,500, in effect February 1922.

Astoria, Ore., population 15,000, in effect January 1923.

Florence, S. C., population 10,968, in effect June 1921.

Salem, Va., population 4159, in effect February 1922.

Janesville, Wis., population 18,293, in effect April 1923.

Kenosha, Wis., population 40,472, in effect March 1922.



Two Ordinance city managerships were created on April 1st: Blairsville, Pa., and Gainesville, Texas.



Minneapolis, Minn., votes in June on a charter substantially identical with our model charter and the Cleveland charter providing for city manager government with proportional representation drafted by our field director, Dr. A. R. Hatton, who spent about three months in the city as charter expert.



Atlanta, Ga., voted in May on a choice of three charters, namely the present aldermanic form, the city manager plan which our field director, Dr. Hatton, drafted a year ago and a composite plan advocated by the mayor. No plan received a majority but the composite plan had the least support so a second election was held on May 30th by the other two, the present aldermanic charter winning by a majority of 1100.

The figures of the two elections are interesting although we have not as yet sufficient information to fully interpret them. May 17th, 9894 votes were cast for the three charters. The votes were divided as follows: present aldermanic charter 4107, city manager charter 3553, composite charter 2234. While May 30th at the hold-over election 13,800 votes were cast, 7450 for the

present aldermanic charter and 6,350 for the city manager plan. Which charter absorbed the votes previously cast for the composite plan and which section stirred up the sluggish voters? Both doubtless put in hard work and it should be noted that May 17th was a stormy day and May 30th was sunny and a holiday.

*

City Manager campaigns were lost in Fredericksburg, Va., and Ypsilanti, Mich. In Fredericksburg the city manager charter was lost by only 40 votes, while in Ypsilanti it lost by 695 votes out of 1935 votes cast.

*

Wheeling, W. Va.—City Manager Homer Crago, the first and only city manager to be charged with misconduct has been acquitted of an indictment alleging that he had abetted election funds while city clerk before his appointment as manager.

*

An Attempt to Upset the New Cleveland Charter by a legal attack was made in two tax payers' suits and defeated in the fourth district court of appeals on May 9. Our Field Director, Dr. Hatton, prepared the brief in the case defending proportional representation.

It was asserted in one suit that the changes adopted constitute a new charter, that the amendment conflicts with the Ohio constitution, that the provisions are so vague and incomprehensible as to be incapable of execution, and that no opportunity was given for a separate vote on the different sections.

The other tax payer claimed certain administrative sections of the amendment are in conflict with the general laws of the state. On this question the court ruled that if there is a conflict with the general statutes, the question can only be raised when some particular officer does or threatens to do some unlawful act after the amendment becomes operative.

In ruling on proportional representation, the court said:

"To exercise this added privilege requires some intelligence and some care, and to this extent the illiterate and careless may be at a disadvantage, but the constitution is not thereby violated.

"It is confessedly intricate and difficult of execution, requiring the highest skill and probity on the part of the election authorities charged with its execution, but on the part of the elector but little more is required than in voting the present judicial ballot. The duties of the election officials

are neither vague nor indefinite. The fact that they are incomprehensible to many or most of the electors is inconsequential.

"It is pointed out that the mechanical method of selecting the transferable ballots may result in a particular elector's strength being used directly against such elector's expressed desire. We recognize such possibility. . . . In compensation, however, is the probability, in some instances, that on the whole he has more adequately expressed himself by exercising all his rights under the new plan than if he had exercised his rights under the old plan.

"Whether or not he is paying too much for this added privilege of expressing his second and successive choices is, after all, a question that this court cannot determine. That is a political question, and we are concluded by the favorable vote of the city's electorate. If it be unwise, it must be undone by those responsible for its adoption."

Both cases, it is expected will be carried to the Ohio supreme court for final decision.

*

Annapolis.—The Maryland legislature in April passed a bill permitting the adoption of the city manager plan in Annapolis, but it is not probable that the city of Annapolis will proceed under the law to arrange to take advantage of this permission.

*

The Mayor of Galveston, Texas, where the commission form of municipal government originated in 1900, published a statement in May citing various proofs that the plan is not working smoothly, saying "The commissioner of each department is supreme therein and resents interference or suggestions." Efforts of the mayor to remedy certain abuses had been refused by the elective department head. The mayor argues for the need of a city manager while the city attorney has, at a public mass meeting, expressed his dissatisfaction with commission government and has expressed his hearty approval of the city manager plan.

The Galveston County Taxpayers' Association is conducting a campaign for the city manager plan in Galveston. The Association has submitted to the city council city manager amendments to the Galveston charter and it is expected that the council will refer the amendments to the people for vote late in June.

*

The Manistee, Michigan, City Manager Charter has survived the attack which was brewing

for several years, assuming that attacks also have learned to brew. To head off the interests which were determined to revert to aldermanic government, a charter commission was created. It recommended a revision which provides seven commissioners for terms of two years, one from

each supervisor district, but elected at large. Their powers will be identical with those of former council members elected at large for five years, one each year. The revision was adopted in April by a large majority. The city manager will of course remain.

IV. MISCELLANEOUS

The Charles Fremont Taylor Trust Fund.—For something like twenty years, Dr. Charles Fremont Taylor, a physician and editor of a medical journal of Philadelphia, devoted a considerable part of his fortune and personal energy to the promotion of the initiative, referendum and recall and published the quarterly magazine, *Equity*, which was consolidated into the *NATIONAL MUNICIPAL REVIEW* in August, 1919.

Dr. Taylor died in 1920 leaving a will in which he made provision for his widow and turned over certain securities and other property to three Trustees, namely Thomas Raeburn White, C. G. Hoag and Samuel S. Fels, all of Philadelphia, to hold as a Trust Fund, the revenue to be appropriated from time to time for the following purposes:

"to promote improvements in the structure and methods of government, with especial reference to the initiative, referendum and recall; proportional representation; preferential voting; ballot reform; the simplification of municipal, state and national government, and the revision or re-making of city-charters, state constitutions and our national constitution, with a view to promote efficiency and popular control of government. . . . Trustees shall have full power and authority to employ and pay lecturers and writers and such other assistants and employees as they may deem necessary for properly carrying out the purposes of the trust; to print, publish and distribute pamphlets, magazines and newspapers; and generally to use any and all lawful means to increase the knowledge of the citizens of the United States of America upon these governmental and political questions; and shall further draft bills and acts, laws and other legislation and use all lawful means to have them introduced and passed to the end that popular, democratic and efficient government may be promoted in the United States of America."

The amount of the principal and the annual income is not known, but it is generally understood that the revenue is not over \$10,000 a year.

In 1920 Dr. Taylor's widow started suit to break the will and the Trustees suspended distribution of funds. The case was carried to the Supreme Court of Pennsylvania and a decision favorable to the Taylor Trust Fund was obtained in March, 1922.

Applications for allotments from the Fund should be addressed to Thomas Raeburn White, West End Trust Building, Philadelphia. All applications must state fully the nature of the work in which the institution is engaged, or which is proposed to be done. Financial statement and copy of last balance sheet must be furnished.



"City Clubs in America" is the title of a 32-page pamphlet issued by the City Club of Chicago descriptive of the activities, methods and histories of the fourteen city clubs in this country. The record discloses the swing toward the non-militant forum type of city club.



The Need for the 'Short Ballot' in Chicago is the theme of an address to the Constitutional Convention by the Citizens Association, which submits as proof the April primary ballot with 170 names of candidates for 56 offices. The Convention is reminded that Governor Lowden in starting the movement for a convention in 1917 described the need for a short ballot as the main reason for revision.

A second address pleads for unification of the Cook County courts into a single court with both civil and criminal jurisdiction and attacks the pending two-court plan as relegating the disagreeable criminal and minor civil work to one branch to which it would remain difficult to attract good judicial talent.



The Second National Conference on State Parks was held at Bear Mountain Inn, Iona

Island, N. Y., May 22-25. Bear Mountain Inn is the centre of the activities of the Palisades Interstate Park which begins at Fort Lee (opposite 130th St., New York City) and extends northward to include the 35,000 acres of the Bear Mountain territory. No place could be better for a conference than this the greatest and most used of state parks.

The conference was well attended by delegates from 32 states. The chairman was the Hon. John Barton Payne and the vice chairman the Hon. Stephen T. Mather, Director of the National Park Service. The speakers presented the state park idea with vividness and originality and from points of view as widely separated as the states from which they came. But the thought running through all their speeches (which are to be printed in the forthcoming report of the Conference) was that the state park had become an institution destined sooner or later to be nation wide because it filled needs not provided for in any other way. It not merely preserves rare scenery and historic sites, but it provides recreation in the natural country at little or no cost for the population of congested districts. In fact (as J. H. McFarland put it) "it brings the National Park to the east".



The League of Women Voters Convene in Baltimore.—When the League of Women Voters met in their first convention April, 1921, in Cleveland, the railroads offered a half fare rebate if 350 delegates assembled. The rebate was granted but the delegates did not number many over the 350. At the Baltimore convention this year the committee on arrangements expected and arranged for 600, and behold, 1035 delegates appeared and the local Baltimoreans, men as well as women, crowded the halls in excess of seating capacity at all sessions; in fact, at one of the special sessions at which Lady Astor, Mrs. Carrie Chapman Catt and Prof. C. E. Merriam spoke, it was necessary to have an overflow meeting of 400 or 500 in a second hall. The women have proved the substantiality and the vitality of their organization, and they have shown that they can control and direct enthusiastic speakers (in one session which lasted an hour and forty minutes twenty-two women spoke and each one covered her subject with conciseness and completeness).

The Pan-American conference to which the first three days were devoted had representatives

from all the Americas, from Canada to Terra del Fuego. These women came together to discuss humanitarian problems and to develop international friendship, a new approach in international relations. The first sentence of Mrs. Park's opening address at the conference states their purpose: "We have come together from twenty-two countries of the Americas to discuss problems of women all over the world."

These problems, presented and studied in detail, were finally summed up by Mrs. Catt in three words: "Wanted—Women's Votes." It was revealed that only South America of all the six continents allows no women to vote. The realization of this stirred the South American representatives, as one fiery little woman said: "Mrs. Catt has shamed us to our faces. We must show her that South American women will not take a dare."

A permanent organization was accomplished. It is called a Pan-American Association for the Advancement of Women. Mrs. Carrie Chapman Catt was made honorary president and Mrs. Maude Wood Park, president. The vice-presidents are, Dr. Paulina Luisi, Bertha Lutz of Brazil, Ester Niera de Calvo of Panama, Elena Torres of Mexico. The aims of the new association are, to promote friendliness and understanding among all Pan-American countries having in mind the maintenance of perpetual peace in the western hemisphere, to promote general education among women, to secure rights of married women to control their own property and wages, to secure equal guardianship, to encourage public speaking among women and freedom of opportunity for all women to secure their political rights.

The most striking features of the last three days of the conference devoted to problems in the United States were the following discussions: first, whether the League of Women Voters should endorse local candidates for office; secondly, whether efficiency in government should be made the chief department of the League. Endorsing or not endorsing candidates divided into three ways of handling the question: endorsing approved candidates, disqualifying candidates not approved and supporting provisions for which certain candidates stand. Three dramatic experiences in New York, St. Louis and Birmingham were cited. The one final conclusion reached was that candidates should not be endorsed.

Efficiency in government as the chief depart-

ment of the League was the subject thrown into the arena by Mrs. John O. Miller, state chairman of the Pennsylvania State League of Women Voters. She argued that it should be made the chief department of the League and that into it be merged the committees on uniform laws for women and American citizenship and that the committees on social welfare be abolished.

Many of the delegates did not agree with Mrs. Miller. The work of the social welfare committees attracts new members to the League as efficiency in government problems do not, since so few uninitiated women can grasp the significance of systems and machinery of government. The Leagues that need new members badly fought hard for retaining social welfare committees. Those who argued for efficiency in

government as the chief department of the League felt that the social welfare departments side-tracked the interest of their workers and started them working as amateurs in the field where other clubs and associations already control the field in a professional way and are prepared and glad to submit their findings to the League of Women Voters for their use at any time. The matter, however, as it was not planned for in the program, did not come up for settlement until the last evening of the convention when it seemed to be the consensus of opinion that it was unwise to rush through so vital a question at the last moment.

A committee was appointed to investigate the subject and to submit recommendations to the next annual convention.

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THE POLITICAL INTEGRATION OF METROPOLITAN COMMUNITIES

BY CHESTER C. MAXEY

Western Reserve University

I. INTRODUCTION

A VERY slight acquaintance with municipal conditions in the United States discloses the fact that one handicap under which practically every city of magnitude is laboring, is political disintegration. The city as a political entity is not identical with the metropolitan community as a social and economic fact; and so, like a house divided against itself, the metropolitan district finds itself obliged to struggle for civic achievement amid the conflicts, dissensions, and divergences of its several component political jurisdictions. In no two communities are conditions precisely the same, and yet in all the fundamental difficulty is political disunity. There are cases in which the principal source of difficulty is the overlapping of city and county, the latter, owing to the growth of population, having become a superincumbent city government; in others contiguous suburban municipalities participating in and to a large extent dominating the social and economic life of the city, are politically independent of it; and in still other cases both of these

conditions co-exist in varying degree and form.

To assume, as is often done, that the political dismemberment of a metropolitan community is not a matter of challenging importance is a fatuous mistake. Not only does it militate against economical and efficient administration of local government but it gravely impedes all progressive and comprehensive public undertakings. The great problems which demand governmental action in metropolitan communities—public health, recreation, public utilities, crime, and the like—hold political boundaries in contempt. And the only effect of multiplying political jurisdictions for dealing with such problems is to obstruct and defeat the primary purposes for which local government exists.

It is only fair to remark that such absurd and anomalous structures of local government are not the result of conscious creation. It is well known that political development seldom keeps pace with social and economic facts. Moreover, the metamorphosis of a

small city into a huge, sprawling center of trade and industry is inevitably attended with all sorts of bungling legislation, and is doubtless much affected by the vicissitudes of factional and partisan warfare. The anomalous political dismemberment of the population of a larger metropolitan district is in most cases, therefore, largely a matter of historical accident, and being such, is commonly accepted by the inhabitants as a natural and normal state of affairs.

There are, however, a few places where movements for the political unification of the metropolitan area have been inaugurated and pushed through with varying degrees of suc-

cess; and there are many other places in which such movements are now in progress. These movements constitute an interesting and important phase of our municipal history, but unfortunately they are recorded only in fugitive documents or fragmentary articles, or not recorded at all. In order to spare the student of municipal institutions the extensive and arduous research necessary to consult all of these obscure and widely dispersed sources, the attempt is here made to bring within the compass of a short essay a summary of the main facts regarding each of the various movements for the political integration of metropolitan areas in the United States.

II. WHAT HAS BEEN ACCOMPLISHED

DETACHMENT OF BALTIMORE FROM BALTIMORE COUNTY: 1851

The city of Baltimore was never politically engulfed in a county like the majority of American cities. From the beginning the city of Baltimore and the county of the same name were separately represented in the legislature of the colony, and this separate representation was continued by the constitutions of 1776 and 1788. Consequently the city early became an independent factor in the politics of the state, and it was not therefore a radical departure to complete the detachment of the city by severing it entirely from the county. This step was taken in 1851; and although the inner history of the event remains somewhat obscure, it appears to have been an incident of a fierce political struggle which convulsed the entire state. Prior to 1851 the government of Maryland was in theory and practice a loose confederation of counties and cities similar in spirit to the national government under

the Articles of Confederation. The governing body was a bicameral legislature in which counties and cities were equally represented regardless of size, population, taxable property, or any other basis of differentiation. Indeed the theory frankly avowed in the early history of the state was that these counties and cities had confederated as corporate entities, and consequently that equality was the only fair basis of representation in the legislature.

But time plays havoc with all theories. The rapid growth of Baltimore city quickly engendered acute dissatisfaction with the equal representation principle, and this was aggravated by the increasingly shameless way in which the rural legislators took advantage of their power to enact tax laws exploiting the city for the benefit of the rural sections. On top of this came the nation-wide surge of democratic sentiment, overturning all existing political alignments and sweeping Andrew Jackson into the Presidency.

In Maryland, the city of Baltimore and the other urban sections of the state were thrown into the ranks of the Jacksonian party, while the rural sections of the state remained in control of the opposition, a feeble and hopeless minority. Immediately there was a vehement demand for legislative reapportionment, but the minority intrenched behind the provisions of an illiberal constitution refused to be moved. The demand was repeated with increasing insistence, and in 1836 the struggle culminated in a crisis which carried the state to the brink of civil strife.¹ Unable to resist longer, the legislature in 1839 proposed a constitutional amendment which modified the existing basis of representation but did not provide representation in proportion to population. Still the agitation for a more equitable basis of representation did not subside, and as a consequence a constitutional convention was called in 1849. This body, after a prolonged struggle, submitted a constitutional draft (which was ratified in 1851) embodying the popular basis of representation with restrictions applying only to the city of Baltimore. As a part of the bargaining by which this compromise was effected, the complete detachment of Baltimore city from Baltimore county was agreed upon. Accordingly the constitution of 1851 provided a full complement of county officers for the city of Baltimore and conferred upon the city the status of a county.²

From time to time, as the city of Baltimore has grown, its boundaries have been extended by the annexation of suburban communities. The most recent enlargement of the city in this fashion occurred in 1918 when the legislature of the state passed an act sub-

tracting some sixty square miles from Baltimore and Anne Arundel counties and adding them to the city of Baltimore. Although the law provided for no referendum, it did provide for compensating the counties which had lost territory or property by the annexation. The annexation law was attacked in the courts because of the absence of a referendum provision, but the courts declined to invalidate it on that account. One of the prime purposes of the annexation measure was to double the waterfront of the city, and thus enable it to extend its port and terminal facilities. It was estimated that 100,000 people were added to the population of the city of Baltimore by this annexation of suburban communities.

FORMATION OF GREATER PHILADELPHIA: 1854

The city of Philadelphia as laid out by the founder contained an area of about two square miles. Population quickly overflowed these narrow limits. By 1850 the population of Philadelphia county was 409,045 of which only 121,417 resided within the corporate limits of the city of Philadelphia. Outside of the boundaries of the city the population was quite as thoroughly urban as within; in fact the entire county was a unified metropolitan center in all respects except government. In this latter particular it was preposterously dismembered, the work of local government being partitioned among forty different governing bodies—ten municipal corporations, ten special boards, six boroughs, thirteen townships, and one county. The effects of this condition can be best described by quoting the language of the Select Committee of Senators from the City and County of Philadelphia reporting to the state senate in 1853:

¹ Scharf, *History of Maryland*, Vol. III, pp. 187-195.

² Debates and Proceedings of Constitutional Convention of 1849, *passim*.

It is not to be supposed of human nature that the people of these many separate local governments have not been actuated by a preference and zeal for their separate interests, nor that collisions and hostile feelings have not arisen obstructive to a concert of measures for the common welfare. With no paramount or pervasive power of legislation or control, no laws, uniformly operative over the whole, could be adopted or executed beyond the respective bounds of each. Rioters suppressed in one jurisdiction take refuge and find impunity within another. Measures of public improvement, by the city or respective districts, are arrested at the extreme of their narrow limits; works erected competent to supply the wants of all with but slight additional expense, are curtailed of their usefulness; and other works at large expense uselessly erected by other corporations. The varying laws of so many localities in close contiguity are so numerous and so little known, that citizens in their hourly movements are subjected to legal obligations and powers of which they have no knowledge. These divisions and unseen lines and complication of powers, are potential alike to paralyze or arrest every effort to advance the common welfare and suppress general evils.³

Appreciation of the evils described in the foregoing quotation was certainly a strong stimulus to propaganda for a greater and a unified Philadelphia, but even more potent perhaps was the blow to Philadelphia's pride when she was out-stripped by New York in the race for size and commercial supremacy. The first direct step toward unification of local governments seems to have been taken on November 16, 1849, when a group of leading citizens called a public meeting which in turn chose an executive committee to act until a second meeting should be held. This committee in 1851 addressed a memorial to the legislature of the state praying for legislation to consolidate Philadelphia and the suburban municipalities; and two members of the committee, John Cadwalader and Eli K. Price, were sent to Harris-

burg to lobby for the desired legislation. However, nothing was accomplished by these efforts.

Riots Help Consolidation

In 1853 Philadelphia was visited with a series of violent and riotous disorders for which the volunteer fire companies were chiefly responsible, and a group of influential citizens was called together to consider ways and means of checking these disturbances. This group, which incidentally included a number of the champions of consolidation, decided that drastic legislation must be secured and that as a means to this end a reform ticket must be put up at the ensuing election. Therefore, on July 30, 1853, a reform convention was held, and Eli K. Price was nominated for the state senate and Mathias W. Baldwin and William C. Patterson for the house of representatives. Mr. Price immediately announced that he stood for consolidation of local governments in Philadelphia county as one of the prime essentials of reform, and the other candidates were impliedly pledged to the same measure. After an arduous campaign all of the reform candidates were elected, and Mr. Price forthwith called a conference consisting of the senators and representatives of the city and the county of Philadelphia and certain leading advocates of consolidation. Under Mr. Price's leadership this conference undertook to frame a consolidation bill and a new charter for the city of Philadelphia, and while it was engaged in these labors an extensive campaign of propaganda in favor of unification was carried on in the newspapers of the city and the county.

The legislative measure thus prepared was presented in the state senate as soon as the legislature assembled in 1854. The forces behind it were so influential and were so powerfully organized that they pushed it through

³ Quoted in Price, *History of Consolidation in Philadelphia*, Chap. IV.

the senate in the unprecedentedly short period of two weeks. In the house of representatives it was passed with equal promptness; and on the second of February, 1854, it received the signature of the governor. This act was an out-and-out annexation measure. The boundaries of the city of Philadelphia were extended to coincide with the boundaries of the county of the same name, and all of the outlying municipalities, districts, and townships were absorbed by the city. The government of the city was remodeled in such a way as to render it more adequate for the enlarged area, but no striking or fundamental changes were made.⁴

The immediate results of the consolidation and annexation were unquestionably beneficent. For many years Philadelphia and her environs had been disgraced by civil turbulence almost impossible to prevent or control. Negro-baiters intimidated free negroes by unchecked violence; mobs of native workingmen used the same methods against Irish immigrants; over-zealous Protestants practised shameful outrages upon Roman Catholics; rival fire companies were wont to do pitched battle in the streets; and not infrequently the volunteer fire companies refused to extinguish fires started by rioters with whom they were in sympathy. These disturbances and disorders quickly disappeared when unified local government went into operation, for this made possible an effective police department and a paid fire department. Other beneficial results of consolidation were the development of a comprehensive system of water supply and sewage disposal to replace the separate systems of the former independent municipalities; the establishment of a metropolitan park

system; and a marked increase in the assessed valuation of property throughout the metropolitan area.

But Philadelphia County Remained

Unfortunately the county of Philadelphia was not included in the consolidation of 1854, although many believe that such was the intent of the law and that such a consummation was only averted by the machinations of scheming politicians. The following newspaper comment affords some conception of the unfortunate consequences of the duplication of city and county:

Employees dismissed from city departments are taken care of in county offices purely as political dependents, apparently regardless of any necessity for their services to the public. In the city employ they could not actively engage in political work; in the county offices they are under no such provision, and they are not affected by the civil service law under which appointments under the city government are made.⁵

On account of these conditions the more progressive newspapers and civic organizations of Philadelphia are beginning to advocate the consolidation of the city and the county governments, but as yet no organized movement has been launched.

CONSOLIDATION OF CITY AND COUNTY OF SAN FRANCISCO: 1856

The influx of population into California following the gold discoveries of 1849 was so prodigious that political institutions became obsolete almost as soon as they were created. The state was divided into counties in 1850, and later in the same year the city of San Francisco was created with boundaries practically identical with those of a previously established county of that name. Thus from the first there was unnecessary duality of government in

⁴Price, *History of Consolidation in Philadelphia, passim*.

⁵Philadelphia Press, Feb. 15, 1920.

this largely urban area. Baneful results were experienced immediately. Extravagance and corruption ran riot; the tax rate and the public debt mounted to oppressive heights; and every effort to improve conditions was paralyzed by the deplorable inefficiency of the governmental system. "And what," said Senator W. W. Hawks to the state senate in 1855, "has brought us to this state of things? This intricate system of government; affording a thousand chances for plunder, and yet a thousand cloaks to hide the Caitiff who robs a trusting people. This duplicate set of officers, officials, hangers-on, loafers, whippers-in, and general plunderers."

A few turbulent years under the dual system served to convince the better elements in San Francisco that a drastic remedy must be applied. Public discussion left no doubt that nothing short of a major operation could effect a cure. While there was much diversity of opinion as to what the nature of the operation should be, there was universal agreement in the proposition that it must bring about simplification. A bill for the consolidation of the city and county of San Francisco was introduced in the legislature in 1855 by Horace Hawes, an assemblyman from San Francisco, and enough support was gained to force its final enactment on April 19, 1856. Under the provisions of this act the charter of the city of San Francisco was repealed, and there was created a corporation styled "The City and County of San Francisco," which was to act in the twofold capacity of city and county. The changes in the form of the government were not radical in principle, being chiefly excisions and consolidations. The bicameral city council was superseded by the county board of supervisors; the city assessors were replaced by the county assessor; the county tax-

collectors gave way to the city collector; and many similar changes were made. A few duplications survived, as in the case of city attorney and district attorney, but they were not sufficiently numerous to defeat the purpose of consolidation.

In the matter of economy the advantage of unified local government became apparent at once. The historian Hittel records that under the new scheme of government the expenses of city and county government were reduced from \$2,640,000 in 1855 to \$350,000 in 1857. Such a record for economical administration certainly has not been maintained in San Francisco throughout the succeeding years, but no one can doubt that but for the unified local government the history of public finance in San Francisco would have been much more sordid than it is. Other benefits claimed to be attributable to the unified government are increased efficiency, freedom from legislative meddling, and greater adaptability to the practical exigencies of local government.⁶

While there have been important charter changes in San Francisco since 1856, there have been no departures from the basic features of the consolidation act.

SEPARATION AND SIMPLIFICATION ST. LOUIS: 1876

The story of St. Louis differs from any that have preceded.⁷ Prior to 1876 St. Louis county included the city of St. Louis and an extensive rural area lying outside of the corporate boundaries of the city. The rapid growth of the city resulted in many extensions of its boundaries and a decided complication of the problems of municipal

⁶ American Political Science Review (supp.) Vol. VI, No. 1.

⁷ Ibid.

government. Although the area of the county still greatly exceeded that of the city, the population of the city so enormously exceeded that of the rural parts of the county as to work a profound modification in the character of city and county politics. While the county was a corporate entity exercising within the city many purely municipal functions and others vitally affecting municipal affairs, the government of the county was for the most part controlled by rural politicians whose chief concern was to exploit the city for the benefit of themselves and the rural parts of the county. The result was the worst sort of misgovernment. County revenues were derived principally from the city and expended mainly in the rural parts of the county; the salaries of county officers were boosted to absurd figures, and offices were multiplied far beyond necessity; corruption became commonplace.

At the same time the government of the city was in no very healthy condition. The legislature had always shown a pernicious disposition to meddle in the affairs of the city, and the government of the city eventually fell into the hands of a gang of machine politicians who had intrenched themselves at Jefferson City and who were every bit as vicious as the county politicians, if not leagued with them. The city of St. Louis was obviously suffering from two serious maladies—the dominance of county politics in municipal affairs and legislative intervention in local matters.

Home Rule Granted Also

Simple consolidation of city and county as in San Francisco would not do in St. Louis. The rural sections of the county could not have been brought under the unified government with any degree of success, and probably the mischievous intervention of

the state legislature in municipal affairs would have been aggravated by such a course. Secession from the county became therefore the watchword of the reform party in St. Louis. Agitation began as early as 1843 and was carried on with great energy during the decade immediately preceding the constitutional convention of 1875. The meeting of this constituent assembly afforded a supreme opportunity to the champions of city and county separation. By virtue of adroit maneuvering they procured the insertion in the constitutional draft of sections 20 to 25 inclusive of Article IX. The constitution was ratified by the people on August 22, 1876, and went into effect sixty days later. The most curious and noteworthy fact about the sections referred to above, is that they not only opened the way for separation of city and county, but at the same time empowered the city of St. Louis to extend its boundaries and to "frame a charter for the government of the city thus enlarged." This marked the beginning of municipal home rule in the United States. According to the testimony of persons acquainted with the "inside" history of this famous home-rule provision, it was not a part of the original plan for the separation of city and county and was included only upon the insistence of certain influential German-American citizens who had in mind creating for St. Louis a status similar to that enjoyed by the free cities of Germany—Hamburg, Lübeck, and Bremen. It is said also that at first the home-rule proposal was opposed by city and county alike and was only carried in the convention because by a separate section (section 16 of Article IX) the same privilege was extended to all cities of the state having a population of 100,000 and over.

The machinery provided for the separation of city and county and

framing a new government may be summarized as follows:

The council of the city and the county court of the county were to meet in joint session and order an election at which was to be chosen a board of thirteen freeholders, which board should be obligated "to propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, the adjustment of the relations of the city thus enlarged and the residue of St. Louis county, by a charter in harmony with and subject to the constitution and laws of Missouri, which shall among other things provide for a chief executive and two houses of legislation, one of which shall be elected by general ticket. . . . It was further provided that this scheme and charter must be completed and properly filed with the mayor of the city and the presiding justice of the county court within ninety days after the election of the board. Within thirty days thereafter it was to be submitted to the voters in the following manner: The scheme of separation was to be submitted to the qualified voters of the whole county and the charter to the qualified voters of the city as enlarged. If approved by a majority of those voting at the election, the scheme of separation was to become the organic law of the city and county and the charter the organic law of the enlarged city, the two to be in full force and operation within sixty days after their adoption.

The machinery thus provided was set in motion immediately after the new constitution became effective. The board of freeholders was duly elected and the scheme and charter prepared, submitted and voted upon by the people. The certified returns showed that the charter had carried by a majority of 558 and that the scheme of separation had been defeated by a margin of 1416. This precipitated a serious situation, as it was not clear that the scheme and the charter were separable. However, there were so many charges of fraudulent registration and voting that application was made for a judicial recount. The court of appeals of St. Louis conducted the recount, and, on March 5, 1877, it declared that both

the charter and the scheme of separation had carried by substantial majorities.

No comprehensive survey of the scheme of separation and the new charter is possible within the limits prescribed for this article, but a few of the outstanding features may be noted. The enlarged city of St. Louis was completely divorced from the residue of St. Louis county, which was organized as a county apart from the city of St. Louis. In the city all of the county offices except sheriff, coroner, and public administrator were abolished. So far the plan was simplicity itself, but when it came to dividing public property, apportioning public debts, and such readjustments, the settlement was not so easy. The intent of the separation scheme was that all public property falling within the limits of the enlarged city should become the property of the city, but that the county should be fairly compensated for all of its losses. To this end provision was made that the city should have all county property of whatever character within its extended limits, and in consideration therefor should assume the entire county debt (both interest and principal) and the park debt. A board of finance was created for the purpose of ascertaining and verifying the indebtedness of the county and certifying the same to the city, and for other minor functions. The foregoing provisions did not extend to school property, and as this settlement was very complicated it will not be discussed here.

Expenses Immediately Reduced

The beneficial effects of separation and consolidation at St. Louis have never been seriously questioned. A reduction of the cost of government was the most immediate and obvious gain. In the first year following the unification the tax rate was reduced 62½

cents per \$100 despite the augmented area of the city, and a further reduction of 15 cents was effected in the succeeding year. At the same time the bonded indebtedness was steadily lowered, and a long-accumulating floating debt was paid off during the first fiscal year of the reorganized city. Commenting on these facts one writer says:

It was not until a fiscal year had elapsed after the city government had been recast and reorganized under the charter and separation scheme that a fair opportunity was presented of summarizing and examining the results of the new system. This opportunity presented itself at the May session of 1878, when the mayor stated that the immediate results had been reduction in taxation and in the expenses of departments, and an improved system of public institutions. . . . The municipal affairs of the city for the fiscal year ending in June, 1879, were prosperous and satisfactory to no ordinary degree. The penal and charitable institutions were in excellent order and economically managed; the fiscal and improvement departments were conducted with integrity and energy, and at no period in the history of the city had its credit been better or had a more practical and efficient system controlled the expenditure of the city revenue, the management of the city debt, and the operations on public works.⁸

The separation of the city from the county and the simplification of the consolidated government did not of course mark the advent of the millennium, and it is quite probable that the reform enthusiasm of the new administration overmatched that of its successors. Certainly there have been some sordid pages in the history of St. Louis since 1876. Nevertheless it will not be denied that the unity achieved under the scheme of 1876 has been a potent factor in the upbuilding of St. Louis and in promoting better government. The plan of 1876 was seriously defective in one particular; namely, failure to provide for future extensions of the

boundaries of the city. The city soon outgrew its extended boundaries, and is now confronted with an embarrassing annexation problem. Although the charter of 1876 was much modified with the passing of the years and in 1914 was completely set aside, it has not been possible to secure the further enlargement of the boundaries of the city.

FORMATION OF GREATER NEW YORK: 1898

Doubtless the most noted case of municipal consolidation in this country is the fashioning of the present city of Greater New York out of the metropolitan district formerly composed of New York (Manhattan), Brooklyn, Richmond county, and portions of Kings, Queens, and Westchester counties.⁹ On December 1, 1897, just prior to the consolidation, the population of this metropolitan area was estimated at more than 3,000,000. This vast population was for all practical purposes an organic unit. The center of industrial, commercial, and social life was on the island of Manhattan, while the other communities were for the most part economic satellites of this great center. Politically, however, the metropolitan population was not one body, but upward of forty. Chaos reigned supreme. Cities, counties, villages, school districts, detached boards, and quasi-independent officers contracted debts, enacted local legislation, and carried on the administrative operations of local government without any co-ordination or co-operation. The effect was calamitous. Not only was the natural evolution of the metropolitan area retarded because of the difficulty of securing united action on the great

⁸ Scharf, *History of St. Louis City and County*, Vol. I, pp. 712-713.

⁹ Leslie, *History of Greater New York*, Vol. I, Chap. 19; also Henschel, *Historical Sketch of Greater New York*, *passim*.

problems of transportation, sanitation, city planning, housing, public safety, and the like, which were basic determinative factors in growth, but the financial situation, except in the case of New York, was desperate. Brooklyn was bonded up to the constitutional limit and indebted in excess of that limit. The assessed valuation of property in Brooklyn was high, and so was the tax rate. Analogous conditions prevailed in the other suburbs, except that the pinch of high taxation was perhaps not quite so acute as in Brooklyn. New York was fortunate in having a comparatively low assessed valuation and tax rate and in having its debt-incurring power practically unimpaired. In fact it was asserted in 1893 by Mayor Gilroy of New York that by lifting her assessed valuation New York would be able to incur sufficient indebtedness to buy Brooklyn outright. It is plain therefore that union with New York was not without a balm for the wounded local pride of the communities which submerged themselves in Greater New York.

The New York History

The history of the New York consolidation has been so often and so fully told that it will not be repeated here. Suffice it to say that after a campaign whose beginnings can be traced back as far as 1830, the legislature of the state of New York in 1894 passed a measure providing for a vote on the question of consolidation by the citizens of the districts concerned. The vote was taken on November 6, 1894. The most interesting feature of this election was that the vote was advisory only and in reality settled nothing. This resulted from the construction placed upon the measure by the legislature at the time of enactment and from the instructions given to the voters. Whether this had any effect in procuring a vote

favorable to consolidation it is impossible to say, but the total majority for consolidation was surprisingly large. Despite the fact that Brooklyn, Flushing, and Mt. Vernon returned small majorities adverse to consolidation, these majorities were wiped out by the decisive pro-consolidation vote cast in the other districts voting. The case of Mt. Vernon was unique. It had not been included in the districts originally authorized to vote on the question but was added by virtue of a special act of the legislature passed at the instance of a few of its citizens. When it voted against consolidation, it was decided that there was no authority to include it in the ultimate consolidation.

Pursuant to the favorable vote on the consolidation question, steps were taken to procure legislation to put it into effect. However, the manœuvring of the opponents of consolidation forestalled this consummation until May 11, 1896, when the act effectuating consolidation was finally signed by the governor. Only a few provisions of this act demand attention here. It set the date (January 1, 1898) when the consolidation should become effective and provided for the creation of a charter commission to draft a charter for the greater city. The only restrictions laid upon the charter commission were that county government should not be included in the consolidation, and that it should provide for an equal and uniform rate of valuation and taxation throughout the consolidated area.

The Plan Very Complex

The charter of Greater New York as formulated by the charter commission is entirely too complex for brief analysis. Probably the feature of most interest to the student of municipal unification is the system of borough organization and autonomy. The persistence of strong local feeling in the

several component parts of the greater city made it seem inadvisable to institute a thoroughly centralized plan of government. Accordingly the metropolitan area was organized into five boroughs, as follows: the borough of Manhattan, consisting of Manhattan Island; the borough of Bronx, composed of that portion of the former city of New York lying north of the Harlem River plus the sections of Westchester county recently annexed; the borough of Brooklyn, which included the former city of Brooklyn and certain portions of Kings county; the borough of Queens which embraced the western portion of Queens county; and the borough of Richmond, consisting of the whole of Staten Island. Each of these boroughs elects a president who is administrative head of the borough and responsible for the discharge of those governmental functions reserved to the boroughs by the charter. These functions are confined mainly to local improvements, such as construction of sewers, sewage disposal, construction and maintenance of public highways, and the maintenance and operation of public buildings. The five borough presidents, together with the mayor, the comptroller, and the president of the board of aldermen, constitute the board of estimate and apportionment, which through its financial initiative and control has evolved into the principal governing body of the city. The members of the board of estimate and apportionment do not have equal voting power, the votes being so distributed that those who represent the city as a whole can outvote those who represent the boroughs. The distribution is as follows: the mayor, the comptroller, and the president of the board of aldermen cast three votes each; the presidents of the boroughs of Manhattan and Brooklyn, two each; and the presidents of the boroughs of Bronx, Queens, and Rich-

mond, one each. To reinforce still more the control of those who represent the city at large, it is provided that a quorum of the board shall consist of a sufficient number of members to cast nine votes, including always two who cast three votes each.

The most conspicuous shortcoming of the unification was the exclusion of the counties. In the years prior to consolidation there had been a gradual trimming of the functions of the counties of New York and Kings until they became little more than districts for the administration of justice and for the election of certain indispensable constitutional county officers. At the time of the consolidation the counties of Queens and Richmond were reduced to a similar status. That these counties as entities of local government were retained largely because of the political patronage they provide is generally conceded, and certainly this was the motive behind the creation of Bronx county in 1914. The next step toward the complete unification of Greater New York will be the elimination of the five counties.

Physical Integration Followed

Of the after-effects of the consolidation we must perforce speak very briefly. In the realm of finance the experience of the greater city was complex and puzzling.¹⁰ It finished its first year with a deficit of over \$7,000,000. The financial morass into which Brooklyn in particular had sunk, and the necessity of greatly extended governmental services and public improvements in the outlying districts, placed the new government in a very trying position. In the realm of economic and social development the story of the greater city since consolidation is simply fabulous. The political

¹⁰ Coler, *The Financial Effects of Consolidation*, *passim*.

integration of the various districts in the metropolitan area soon resulted in physical integration through the construction of bridges, tunnels, rapid-transit systems, and water-supply systems. With physical integration came that marvelous development of the outlying boroughs which has so astonished the world and which has brought the population of Brooklyn up to 2,002,262, that of the Bronx to 732,016, that of Queens to 466,811, and that of Richmond to 115,959. That this basic unity of the metropolitan district has been one of the most potent factors in fostering the commercial and industrial development which has made New York the first city of the world scarcely needs to be said.

SEPARATION AND CONSOLIDATION DENVER: 1902-1911

The history of the unification of local government in Denver is rich in incident. Prior to the unification Denver was the county seat of Arapahoe county, which was of enormous area and sparsely populated except for the city of Denver. There was very little community of interest between the rural sections of the county and the city, and this conflict of interests reacted upon Denver and its government in a most unhappy way. The structure of the city government was itself seriously defective, being the loose-jointed board-council-mayor type so popular in this country three or four decades ago. The legislature of the state was given to pernicious meddling in municipal affairs, and in the two all-important functions of public safety and public works it had superseded the city authorities with state boards. Contending public utility corporations were at the same time fighting desperately for monopolistic dominion of the city. Here was an unsurpassed op-

portunity for the operations of predatory political machines, and the opportunity was not overlooked; Denver became notorious for the corruption and turbulence of her local politics.¹¹

Several states following the example of Missouri had incorporated in their constitutions provisions for municipal home rule, and, observing these developments, reform leaders in Denver turned to home rule as the only escape from the intolerable political conditions prevailing in their city. Separation of city and county and simplification of the government of the city were secondary considerations to them; the paramount issue was home rule. A movement for home rule for Denver was started in the state legislature in 1899, but nothing came of it. In 1901 Senator J. A. Rush introduced a bill submitting to the electorate of the state a home-rule amendment to the constitution. The proposed amendment was not confined to Denver alone, but applied to all cities of the first and second class, thus enlisting valuable aid in securing its passage by the legislature and its eventual triumph at the polls. It was submitted to the people and overwhelmingly ratified at the general election in 1902.

At this juncture the history of the now famous article XX of the Colorado constitution really begins. The first section of the amendment declared that "The municipal corporation known as the city of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the state of Colorado, included within the boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by

¹¹ See King, *History of the Government of Denver*, Chaps. V and VI.

the name of the 'City and County of Denver.'" The implication was that the boundaries of the city were to be considerably extended prior to the taking effect of the amendment, and so it came to pass. Legislation was secured enlarging the area of the city by specifically annexing certain contiguous territory. In this way several former suburban towns whose aggregate population was about 6,000 were added to the city, together with a considerable amount of unsettled territory.

First Charter Defeated

Pursuant to the amendment, a charter convention was elected to frame a new charter for the new corporation. A very commendable charter was prepared, but it so greatly reduced the possible spoils of party warfare by the introduction of the short-ballot principle that it aroused the hostility of the machine organizations of both parties. Furthermore it contained a provision looking toward more stringent regulation of public utilities, and thus earned the opposition of the corporate interest. These hostile forces in league were able to send the charter to defeat at the polls on September 22, 1903. A second charter convention became necessary and was assembled on December 8, 1903. The draft prepared by the second charter convention omitted the provisions which were unacceptable to the politicians and the corporations, and consequently it was easily ratified on March 29, 1904. At the first election under the new instrument, held in May, 1904, city and county offices were merged without question. But when the fall campaign of 1904 came around the question of whether a full set of county officers could be nominated was raised and finally taken to the courts. It is quite unnecessary here to enter into the technicalities of the extended litigation which ensued and which

practically suspended until 1911 the real consolidation of city and county governments.¹² In the year last named the supreme court of the state terminated this legal controversy by a sweeping opinion quite the reverse of its former pronouncements. A third charter convention met in 1913 and proposed amendments to the charter of 1904, which, when approved by the voters, put the commission plan of government into effect. After three years this was abandoned by the adoption of the so-called, "Speer Amendment," which provided for a highly centralized administration under an elected mayor.

Economy Plus Efficiency

Because of the tempestuous history of the consolidation of local governments in Denver, the results are hard to measure. Probably the most obvious is economy. The financial reports of the city and county show that in 1911 (the last year that a complete set of officers for both city and county was maintained) the total cost of local government was \$679,400, while in 1917 with simplification and consolidation in effect it was \$476,600, and this despite a sharp rise in price levels in the meantime. It is also the well-nigh unanimous testimony of those associated with the consolidated government that this startling economy has been accompanied by increased efficiency.

UNION OF ALLEGHENY WITH PITTSBURGH: 1906-1908

It has been asserted that the union of Pittsburgh and Allegheny was a Sabine marriage in which Pittsburgh assumed the rôle of the abducting Roman, and there are facts to support such a contention. However, if there

¹² For a full discussion see McBain, *The Law and Practice of Municipal Home Rule*, pp. 498-531.

was ever a case vindicating the casuistic argument that the end justifies the means, this was one. Prior to the annexation, the city of Pittsburgh occupied a tongue of land formed by the confluence of the Allegheny and Monongahela rivers. The population of Pittsburgh at that time was estimated at 383,000. Across the Allegheny river on a similar tongue of land was the city of Allegheny with an estimated population of 142,000; across the Monongahela river were four incorporated boroughs whose combined population was about 8,000; and to the rear of Pittsburgh was the small township of Sterrett with a population of 600 to 1,000. These contiguous and clustering communities were in matters industrial, commercial and social, integral parts of the city of Pittsburgh, and with it they constituted one homogeneous metropolitan district. Pittsburgh was the center of commerce and industry, while the outlying communities were either economic tributaries or residential suburbs. With the multiplication of bridges and the perfection of trolley systems this close inter-relationship was greatly heightened.¹³

A Social Unit Politically Subdivided

On the political side, however, this metropolitan community was broken into many and discordant parts. Many of the leading figures in the affairs of Pittsburgh resided in the outlying communities and consequently had no share in the government of Pittsburgh. The effect of this absenteeism was to set the stage for the ring politicians, who for many years played fast and loose with the affairs of the city. Plans for improving the industrial and commercial position of the city always had to run the gauntlet of factional opposition and often were entirely thwarted by the degraded city administration.

Interests which proximity made common to all communities in the metropolitan area could not be promoted in common; and in the case of sewage disposal and water supply the lack of harmony among the various municipalities threatened to defeat large civic projects and to imperil the health of the inhabitants of all. There was intense jealousy in the allocation of the financial burden of public improvements. Pittsburgh resented carrying the cost of public improvements which accrued largely to the benefit of the surrounding communities, while the latter were incapable of footing the bills for the extensive improvements and services which their metropolitan situation made necessary.

In consideration of the foregoing facts it is not surprising that public-minded citizens early reached the conclusion that the only hope of permanent amelioration of conditions lay in the political unification of the metropolitan area, and especially in the union of Pittsburgh and Allegheny. For many years, beginning as far back as 1854, this question was an issue in the Pennsylvania legislature; but nothing was accomplished in the way of assisting legislation until 1905 when the governor, largely at the instance of commercial and civic organizations in Pittsburgh, summoned the legislature in special session to enact a law permitting cities contiguous to one another to consolidate and form one city. Special legislation for cities being forbidden by the constitution of the state, the legislature was unable to enact a law designating Pittsburgh and Allegheny and empowering them to unite, but resorted to the subterfuge which the courts in most states have tolerated, and on February 7, 1906, passed an enabling act applicable to all cities of the second class, Pittsburgh and Allegheny being the only cities in that class.

¹³ Killikelly, *History of Pittsburgh*, pp. 241-244.

Compulsory Annexation

There can be little doubt that the act of 1906 was passed to enable Pittsburgh to absorb Allegheny without her consent. Otherwise the act need not have been passed, for pre-existing statutes authorized one city to annex another upon the initiative of and with the approval of the voters of the city to be annexed. The act of 1906, however, provided specifically that the consolidation should come about only by the annexation of the smaller by the larger city; that the initiative might be taken by the common council or by petition signed by two per cent of the voters of either city; and that if a majority of the total vote cast in both cities should be in favor of consolidation, the court of quarter sessions should issue a decree declaring them to be consolidated. Thus it was made possible for Pittsburgh to take the initiative away from Allegheny and to outvote her at the election; and precisely that thing happened. Pursuant to the provisions of the act a petition was filed with the court of quarter sessions of Allegheny county by certain citizens of Pittsburgh praying for the union of Pittsburgh and Allegheny; the court conducted a hearing as required by the act, dismissed the exceptions which had been filed against the petition, and ordered a special election to be held in June, 1906. The vote of Allegheny was against consolidation, but that of Pittsburgh was so preponderantly for it that out of a total of 37,804 votes cast there was a majority of 2,504 for consolidation. Accordingly on June 16, 1906, the decree of the court went forth declaring Allegheny to be annexed to and consolidated with Pittsburgh. Allegheny contested the legality of these proceedings and carried the case through all the courts of the state and finally to the Supreme Court of the United States, which on Novem-

ber 18, 1907, handed down an opinion to the effect that nothing in the act of 1906 and the procedure of annexation thereunder was in conflict with the Constitution of the United States.¹⁴

The annexation of Allegheny did not involve the other suburban boroughs and townships mentioned above, but they were joined to Pittsburgh at about the same time under the provisions of the general laws on the subject of annexation of contiguous municipalities.

The Actual Process of Consolidation

A detailed analysis of the act of February 7, 1906, is impossible in the limited space available here. Some of the leading provisions have already been noted, and a few others which were to apply only in the event of an election in favor of consolidation will be briefly mentioned. There was a group of provisions having to do with the settlement of the financial and proprietary problems resulting from consolidation. It was provided, for example that each of the consolidating cities should be liable separately to pay its own floating and bonded indebtedness, liabilities, and interest, such as existed at the time of the consolidation; and adequate administrative machinery was created for the enforcement of this rule. Another group of provisions had to do with the manner in which the governments of the two cities should be merged. The consolidation did not *ipso facto* deprive any officer of either of the two cities of his office or salary until the expiration of his term, but in this interim and until a system of government for the greater city could be organized, a temporary government was to be operative. The main features of this scheme were that the councils of the two cities were to be merged and meet as one body; that the mayor

¹⁴ *Hunter vs. Pittsburgh*, 207 U. S. 161.

of the larger city was to become the mayor of the greater city and the mayor of the smaller city the deputy mayor; that every ordinance pertaining exclusively to the smaller city had to be presented to the deputy mayor for his approval; that the executive departments were consolidated, the department chief of the larger city becoming the head of the department and the department chief of the smaller city becoming the first assistant. The consolidation did not disturb the status of the school districts in either city; nor did it affect the status of the county government.

Improved Transportation and Taxation

The political integration of the metropolitan area of greater Pittsburgh brought some immediately beneficial results and many that were more remote. One of the quick results was the vast improvement of transportation connections between various portions of the metropolitan district by the abolition of bridge tolls and the introduction of a uniform street car fare and a system of universal transfers. Another was the complete revision of the formerly inequitable system of taxation. A third was the development of an adequate water supply system for the entire metropolitan area, replacing the contaminated water supplied by the formerly independent units. More remote benefits that are traceable to the awakened civic consciousness following consolidation are the inauguration of a city plan, enormous extensions of paving and street improvements, a reorganization of the school system, the building of playgrounds, markets, and a tuberculosis hospital.

WHEELING ABSORBS HER SUBURBS: 1920

Quite the latest achievement in municipal integration is the successful

culmination of the annexation movement at Wheeling, West Virginia. The campaign was in charge of a representative committee of citizens known as the Greater Wheeling Committee, and the chamber of commerce was probably the most active civic agency in the movement.

A special act had to be secured from the state legislature to permit the question of annexation to be submitted simultaneously to the electorate of both Wheeling and the suburbs. The election, which occurred on November 26, 1919, resulted in favor of unification to become effective January 1, 1920. A suburban population of about 20,000 was thus added to the city of Wheeling.

Interesting features of the Wheeling campaign were the adoption of the commission-manager plan by Wheeling in 1917 largely to meet the objections of the suburbs to unification under the old plan of government; provision for the election of the members of the council of the new government on a general ticket, so that the annexed suburbs could participate in the choice of every member of the council; and the development of a comprehensive plan of public works, which could not be effectually carried out under the divided jurisdiction of nine distinct governmental units. These, reinforced by a strong appeal to community pride and patriotism, did a great deal to convince the suburbs of the advisability of consolidation.

THE CASE OF WASHINGTON, D. C.

Perhaps Washington ought to be mentioned as one of the cities that have achieved political unity, although it stands in a class by itself. Prior to 1846 the District of Columbia contained two counties and three cities. By the retrocession to Virginia of that

portion of the District lying west of the Potomac the number was reduced to one county and two cities. In 1871 Congress reorganized the government

of the District by abolishing the separate county and city governments, and since that time they have had no separate existence.

III. WHAT REMAINS TO BE ACCOMPLISHED

THE GREATER BOSTON MOVEMENT

The federal census of 1920 gives Boston a population of 748,060 and ranks Boston as the seventh city of the United States, but Boston newspapers and civic organizations insist that the true magnitude and importance of their city are not indicated by the census figures. It is pointed out that outside of the corporate limits of Boston but within a radius of fifteen miles of the state house in Boston there dwells a further population of over 700,000; and it is contended that Boston proper is but the torso of a great metropolitan community of about 1,500,000 inhabitants constituting an organic entity in all respects except political organization. At present this vast community is a morass of co-existent, overlapping, conflicting, and competing units of local government, there being in all fourteen cities, twenty-six towns, five counties, and five state boards or agencies functioning within the metropolitan area.

What this condition means is well set forth in "An Appeal for the Federation of the Metropolitan Cities and Towns," issued in 1919 by Mayor Peters of Boston. In urging the political unification of the metropolitan district Mayor Peters incidentally points out that the absence of political unity has had the following results: (1) It has rendered the metropolitan community incapable of co-operating effectively to secure freight rates favorable to the upbuilding of export trade and the establishment of regular steamship service with

foreign ports; (2) it has been one of the major causes of the failure of the metropolitan community to provide terminal facilities conducive to shipping and trade; (3) it is responsible for the failure of the metropolitan district to develop adequate factory sites because of inability to provide street connections and housing facilities; (4) it is responsible for the decline of real estate values in many sections of Boston owing to the want of intelligent control of suburban developments; (5) it is responsible for Boston's falling under the domination of political organizations whose strength lies in control of the votes of the foreign population; (6) it is to blame for the failure to provide for police and fire protection and for street improvements on a metropolitan basis; (7) it has prevented the enactment of uniform health and housing laws which would relieve congestion in Boston and promote the growth of the less densely populated suburbs; (8) it has unduly inflated the cost of local government owing to duplication of services and overhead organization.

The question of merging the governmental agencies of the metropolitan area has been under discussion in Boston for many years. In 1896 a special commission was appointed by the legislature to study the problem of municipal administration in Boston and the adjoining municipalities, and it prepared a report recommending the federation of the various towns and cities as a single county which should have the functions of a municipal cor-

poration. In 1911 the Boston Chamber of Commerce reported a plan of federation through the creation of a metropolitan council consisting of representatives of the various municipalities. In the same year the state legislature created a second commission to consider the metropolitan problem, and this body recommended a plan of loose federation similar to the plan of the Chamber of Commerce.¹⁵ In 1919 at the instance of Mayor Peters of Boston a bill was introduced in the state legislature authorizing the outright annexation of the suburban municipalities by Boston. The idea of a loose federation of municipalities was abandoned by the mayor in the hope that by pressing the movement for annexation he could precipitate discussion which would result in the crystallization of public opinion on the subject of unification, and also in the hope that if the bill should pass, some progress toward unification might be made by piecemeal annexation. It is needless to say that the bill did not succeed, and that unification at the present juncture seems as remote as ever.

The matter of city and county duplication is not a large factor in the Boston problem, although the metropolitan district intersects the boundaries of five counties. The reason is that the county in Massachusetts is primarily a judicial district with very attenuated functions of local government, and that Suffolk county, which is wholly included in the metropolitan district, has already been largely consolidated with the city of Boston. The basic difficulty is the evolution of some sort of plan for unification that would be acceptable to the suburbs, for their voting strength is as great as that of Boston and nothing could be carried against the will of the

suburbs. The borough plan has been considered and studied, but it is recognized that the application of the borough plan to the Boston problem would not be as easy as it was in the case of New York. In the latter case it was only necessary to achieve a bilateral compromise between New York and Brooklyn, where in Boston a several sided compromise would be necessary.

CHICAGO'S UNIFICATION PROBLEM

Probably metropolitan Chicago has the most bewildering system of local government in the United States at the present time. It is almost incredible that such a crazy-quilt of interwoven, overlapping, cross-pulling political agencies could be the product of sane minds. Functioning within the city of Chicago there are thirty-eight distinct local governments, and in Cook county as a whole, which includes the major portion of the metropolitan area, there are three hundred and ninety-two. Besides the city government of Chicago and the government of Cook county there are the sanitary district, towns, villages, school districts, drainage districts, park districts, forest preserve districts, library districts, in endless and unspeakable confusion. Take the case of the towns, for example. There are thirty-eight towns in Cook county; eight are entirely within the city of Chicago; six others lie partly within and partly without the city; ten are entirely within the sanitary district; nine are partly within and partly without the sanitary district; and eleven are entirely without the sanitary district. Or take the case of the incorporated municipalities. There are seventy-eight incorporated municipalities in Cook county in addition to Chicago, and of these forty-six are within the sanitary district and the remainder without. And so it is with

¹⁵ American Political Science Review (Supp.) Vol. VI, No. 1; also *Annals of the American Academy*, 1913, pp. 134-152.

park districts, school districts, drainage districts, and the like. There is no language obscure enough to depict the reality of the chaos which exists.¹⁶

The movement for unified local government in Chicago dates back as far as the constitutional convention of 1870 when an effort was made to induce the convention to include in the draft submitted to the people a provision authorizing any city of over 200,000 inhabitants to be organized as a separate county. When this effort was balked the consolidation idea languished for a number of years. In 1899 a constitutional amendment was proposed in the legislature of the state to provide for consolidation of local governments in Chicago, but it did not pass. Four years later another amendment was proposed, submitted to the people, and ratified. The effect of this was to make possible special legislation for Chicago, subject to local referendum, and also to authorize the consolidation of local governments entirely within the boundaries of the city. Acting under the amendment of 1904, a charter convention in the city of Chicago prepared a comprehensive charter effecting many consolidations. Unhappily this charter was modified by the state legislature and subsequently defeated at the polls. In 1915 a second charter was prepared and submitted to the voters, and it also was defeated.

The leading proponent of unification of local governments in Chicago in recent years has been the Chicago Bureau of Public Efficiency, which has published a series of studies showing the complexity of the present system, the savings and improvements possible under a unified plan of government, and has made specific recommenda-

tions for the consolidation and reorganization of local governments. In 1920 the Bureau of Public Efficiency drafted and put before the Illinois constitutional convention a proposed article of the constitution to provide the authorization and the machinery to effect the political unification of metropolitan Chicago.¹⁷ Although this proposal was not accepted *in toto* by the convention, it has formulated and adopted three provisions allowing for the consolidation of local governments in Chicago. The proposed Chicago home rule article provides for the consolidation of all local governments in the limits of the city by charter convention, subject to certain reservations and conditions in the event of the application of the consolidation to the Sanitary District and the Forest Preserve District. The other two provisions are regarded as of doubtful value and probably will never be invoked. All three of these provisions have passed their second reading in the convention, and at the present writing (June 27, 1922) the convention is meeting to consider the entire constitutional draft on third reading.

UNIFICATION PROPOSED FOR CLEVELAND

The same anomalies of local government that have been observed in other metropolitan centers are to be found in Cleveland and Cuyahoga county. The population of Cleveland is 796,841, but in the contiguous suburban communities of East Cleveland, Cleveland Heights, Lakewood, West Park, Shaker Heights, Bratenahl, and Euclid Village, there is a combined population of 101,820 which in every practical sense is a part and parcel of the city of Cleveland. This integrated metropolitan population is ninety-five per cent of the

¹⁶ See Bulletin No. 11 prepared by the Legislative Reference Bureau for the Illinois Constitutional Convention, 1920.

¹⁷ See Bulletin No. 38 of Chicago Bureau of Public Efficiency, Jan. 1920.

population of Cuyahoga county and could be readily governed as one municipal corporation; but Cuyahoga county is overlaid with ninety-three detached and disconnected units of local self-government, these being largely cities, villages, townships, and school districts in the metropolitan area.

The disadvantages of disintegration and the corresponding advantages of unification have not received adequate consideration in Cleveland and her suburban satellites, and consequently the movement for consolidation has made little progress. Two civic organizations—The Civic League and the County Charter Government Association—have given the matter some attention, but have felt unable to undertake an intensive and persistent campaign. In 1919 a resolution proposing an amendment to the state constitution, which would provide for a consolidated form of city and county government, was introduced in the state senate, but it was shelved in committee, no opportunity being given for its consideration. In 1921 Representative Davis of Cuyahoga county introduced a bill to facilitate consolidation of local governments in Cuyahoga county, but this likewise received scant consideration by the legislature. In the spring of the present year movements for annexation developed in West Park and Lakewood, and commissions are now at work preparing terms of annexation to be later submitted to the voters.

* DEFEAT OF PROPOSED CONSOLIDATION,
ALAMEDA COUNTY, CALIFORNIA

In Alameda county, California, on the eastern shore of San Francisco Bay, has grown up a metropolitan district of

considerable proportions. The population of Alameda county is 344,177, of which 314,575 are classed as urban residents by the Federal census of 1920. This urban population is concentrated mainly in the contiguous and occasionally overlapping cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville, Albany and San Leandro. The remainder of the county, though more or less rural in character, is much affected by the character of government of the urban centers.

Prominent citizens have long been aware that in all large public matters the metropolitan district of Alameda county should be thoroughly unified, and a campaign looking toward that end has been going on for many years. In 1916 the City and County Government Association of Alameda County presented a plan for consolidation calculated to meet the opposition of the outlying communities to any form of organic union with Oakland which would submerge their individualities. The plan proposed rather a loose federal form of organization under which the component cities would become autonomous boroughs and would retain important local powers while such functions as police protection, promotion of public health, assessment and collection of taxes, would be delegated to the central government. A unique feature of the plan was that it proposed to combine the city-manager idea with that of an elected mayor.¹⁸

Unfortunately it was not foreseen that this proposition was doomed to sure defeat because of the way in which, under the state constitution, it had to be submitted to the voters of the smaller cities. The reorganization plan could not be presented directly to the voters of the metropolitan district to

* For a more detailed account of the Alameda county proposals see the NATIONAL MUNICIPAL REVIEW for July 1922, which appeared after this article was in type.

¹⁸ For summary of the proposed charter see pamphlet published by City and County Government Association of Alameda County, Sept. 1916.

stand or fall on its merits. According to the state constitution the initiative must be taken by a city having a population of 50,000 or more by the preceding Federal census, which meant that only Oakland could take the lead. Furthermore the question of annexation had to be submitted to each of the contiguous municipalities separately. This meant that the various municipalities would have to vote to merge themselves with Oakland before the question of a new form of government could be taken up, and it did not seem expedient to proceed in this way.

The proponents of the federation plan then proceeded to secure an amendment to the state constitution, which would relieve them of the embarrassments encountered under the existing provisions relating to municipal consolidation. In 1918 an amendment was put up and adopted, which provided that a charter might be prepared by a board elected by the citizens of an entire county prior to the submission of the question of consolidation, and that then the question of consolidation should be put to each municipality separately to decide whether or not it could come in under the proposed charter. Acting under the provisions of this amendment a city-county manager charter was submitted to the voters of the county on November 15, 1921 and defeated. This outcome was said to be attributable to the unwillingness of the smaller cities to give up their individuality and merge with Oakland. From the standpoint of the experimentalist it is unfortunate that this unique charter is not to have a trial. So many innovations are seldom combined in one instrument of government. The governing body was to have been a metropolitan council of seven members elected by districts. The administrative functions of the council would have been

exercised by a manager appointed by the council at a salary of not less than \$12,000 a year. Only the district attorney, assessor, auditor, and judges would have remained elective, and all other city and county offices were to have been consolidated or abolished entirely. In order to preserve a limited amount of local autonomy for the several cities and towns to be consolidated a scheme of borough government was to have been combined with the city-county manager plan just described.

PROPOSED CITY AND COUNTY CONSOLIDATION, PORTLAND, OREGON

Since 1913 the question of the consolidation of the city of Portland and the county of Multnomah has been seriously agitated. This propaganda led in 1919 to a movement, in which fifteen civic organizations joined, for a constitutional amendment to effect consolidation. Committees were appointed by each of the cooperating organizations, and after some weeks of labor a proposed amendment was evolved. A resolution authorizing the submission of this amendment to the voters was introduced in the state senate in January, 1919, by the Multnomah county delegation. It passed the senate, but was defeated in the lower house by the machinations of hostile political interests. It was then proposed to get it before the voters by initiative petition, but this as yet has not been done.

Had the amendment passed it would have provided for the outright consolidation of the city of Portland, the city of Gresham, the city of Fairview, the city of Troutdale, the port of Portland, and county of Multnomah, all school districts and road districts in Multnomah county, into a single body politic and corporate to be styled "The City and County of Portland."

CONSOLIDATION MOVEMENT IN LOS
ANGELES

The city of Los Angeles with its environs south of the Sierra Madre mountains composes a metropolitan district substantially unified in economic and social interests, but divided politically into thirty-eight municipalities, one hundred and eighty-seven school districts, thirty-four lighting districts, thirty-three roads districts, three waterworks districts, two protection districts and one county. The population of this area is in the neighborhood of 800,000.

Various forms of political integration have been advocated for this metropolitan area for many years, and many investigations and studies have been made by civic agencies and official bodies; but the net results have been divided counsels and inability to unite upon any definite plan of action. The latest and most comprehensive survey of the problem is the brochure published by the Taxpayers' Association of California in October, 1917. This report advocates the severance of the metropolitan district from Los Angeles county and the creation of a unitary government of the manager type for the consolidated municipalities.

No active campaign in behalf of this plan has been undertaken, and recent advices indicate that events are now proceeding toward a different result. The city of Los Angeles has established an annexation and consolidation commission, and this body is in process of developing a consistent and comprehensive program of unification. The policy is not aggressive, but educative. The program, as the secretary of the commission states it, "consists of lending encouragement and assistance in such ways as we can to those communities who of their own accord find reasons that seem to argue for their be-

coming a part of the larger unit." To this it might be added that the control of the city of Los Angeles over the water supply of the metropolitan area and over the facilities for sewage disposal are such that many of the suburban municipalities have no great difficulty in discovering most cogent and compelling reasons for consolidation with Los Angeles.

PROBLEM OF ESSEX COUNTY, NEW
JERSEY

One of the most peculiar local government problems in the country is that of Essex county, New Jersey. The county has an area of 127 square miles, but ninety-six per cent of its population is in the metropolitan section lying east of the Watchung ridge. Newark with a population of 414,216 is the nucleus of this metropolitan community, but in addition to Newark there are in the metropolitan area eleven other municipalities whose aggregate population is about 257,000. Furthermore, this area is subject to the government of Essex county, to four state-controlled instrumentalities for local government, and to five administrative agencies appointed by the courts. It was said that Newark is the nucleus of this metropolitan area, but that is hardly accurate. Although physical contiguity does bring about considerable community of interest between Newark and the outlying municipalities, several of the latter, such as East Orange, Glen Ridge, and Montclair, are quite as much residential suburbs of New York as of Newark. This fact tends to weaken the community bond throughout the metropolitan district and engenders a fierce spirit of particularism which is most difficult to combat.

Although there may be doubt whether the social and economic solidarity of the metropolitan portion

of Essex county is as great as in most metropolitan centers, it is nevertheless true that the absence of political unity is the cause of many anomalous conditions which give rise to civic ills. In the summer of 1919 the New York Bureau of Municipal Research at the request of the Newark Chamber of Commerce made an administrative survey which brought to light many of the pernicious consequences of political disintegration in Essex county.¹⁹ It was found that comprehensive city planning, a necessity if the metropolitan district is to develop properly, could not be carried out because of inability of the several municipalities to coöperate; it was found that there was costly and blundering duplication in the handling of dependents, defectives, and criminals; it was observed that the fire hazard was greatly magnified by the lack of standardization of fire-fighting equipment throughout the metropolitan area; it was discovered that highway improvements were retarded and unintelligently done because of the multiplicity of conflicting political jurisdictions; and it was found that the public health was constantly imperilled by a multiplicity of diverse health codes and regulations administered by part-time health officers.

To cure these conditions the New York Bureau of Municipal Research

¹⁹ This report has not been printed in full, but an abstract of it was published by the Newark Chamber of Commerce.

recommended the detachment of the metropolitan and the rural sections of Essex County, and the creation of some sort of political unity in the former. It was suggested that the governmental machinery of Essex county be merged with that set up for the metropolitan area, and that the municipalities within the metropolitan area should federate under some sort of super-government which should have power to act in all matters of general, as distinguished from purely local concern. No definite steps have been taken to put these recommendations into effect, although certain civic bodies and newspapers have given them support.

UNIFICATION RECEIVING ATTENTION IN OTHER CITIES

The question of consolidation of local governments has received attention in a great many other cities where the situation is probably quite as bad as in the cases discussed above, but where for one reason or another no definite consolidation movement has crystallized. Mention may be made of Detroit, Buffalo, Indianapolis, Milwaukee, Cincinnati, Seattle, Jersey City, Kansas City, Mo., Rochester, and Wilmington, Delaware. Word has been received also that a charter commission has recently been chosen in San Diego, California, to prepare a consolidated city and county charter.

SUMMARY

It is extremely hazardous to attempt to draw general conclusions from such a large number of widely varying cases as have been reviewed in the foregoing pages. There are, however, certain facts which ought, for the convenience of the reader, to be brought together in some sort of summary.

The first striking fact with reference to the process of unification is that in no instance has a metropolitan district been able to compass its own unification. Statutory and constitutional obstacles have invariably made it necessary to obtain legislation or constitutional amendments, and in several cases

unification has been accomplished by the fiat of these enactments. It is also to be observed that gradual consolidation by occasional annexation of clustering municipalities to a central one has not been a successful mode of achieving political integration. It will be noted also that most of the cities now striving for unification have statutory or constitutional changes as the first objective of their respective campaigns.

Another outstanding fact is that popular consent to unification has seldom been deemed indispensable. The only cases in which the question was squarely presented to all of the people concerned were St. Louis and Alameda County. The referendum which preceded consolidation in New York had no legal force, and the result was open to various constructions. The Pittsburgh referendum was designedly a trick election, although it was held legally binding. The plebiscite in the case of Denver included the voters of the entire state, which was in effect taking the power to decide the matter out of the hands of the city. Apparently the spirit of the present time is more democratic, for nearly all of the cities now working for unification contemplate a reference of the question to the people of the districts immediately concerned.

In the matter of pecuniary and proprietary adjustments each case is *sui generis*, but there is a general tendency for the succeeding government to take over all of the assets and assume all of the obligations of its component parts.

Another significant fact is that in no case has unification been unaccompanied by some kind of governmental reorganization. Except in the case of New York, it has been possible to reorganize the government on a unitary basis; but many cities now engaged in campaigns for unification have been greatly attracted by the borough plan

as worked out in New York. Whether that plan would be adaptable to all cases may be seriously doubted. It is usually possible to make all proper and needful concessions to local sentiment without granting the local autonomy incident to the borough plan. In the reorganization of government following the consolidation of city and county, there has been a noticeable reluctance to go the whole distance in the elimination of duplication, and consequently we find many amusing and incongruous survivals.

Extravagant claims of efficiency and economy subsequent to political unification have been made everywhere, but are exceedingly difficult to pin down to hard facts. The simplification of the organization of local government and the elimination of superfluous offices and services should naturally result in great savings, but there have been instances in which such savings have been hard to find. The only explanation of these cases, aside from maladministration, is that unification involved an enormous expansion of municipal services, which together with the pre-existing heavy burden of debt made a reduction of the cost of government impossible. Efficiency is imponderable and difficult to measure, but it may be assumed that certain gains in efficiency have followed political unification practically everywhere; it could not well be otherwise.

One gain about which there can be little doubt is the amelioration of civic conditions subsequent to political unification of metropolitan communities. Elaborate public improvements, better articulation of thoroughfares, extended and improved public utility services, more comprehensive and careful city planning, more adequate educational and eleemosynary institutions, and better governmental services—these are reported as the invariable results of

political unification. And as these are in a rough way a fair measure of the material and spiritual progress of communities, it seems not too much to conclude that political integration is

indispensable to every metropolitan community that aspires to attain its maximum development as a center of industrial, commercial and social activity.

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VIEWS AND REVIEWS

We are glad to announce that, beginning with this issue, the "Review" resumes its policy of a full magazine each month with occasional technical supplements. We are grateful to you who supported us during the past nine months when alternate issues were much reduced in size. Your patience with us then has put us back on solid ground.

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Compulsory consolidation of the governments of Jackson county and Kansas City is provided in a proposal made by Judge W. T. Johnson of that city now under consideration by the Missouri Constitutional Convention.

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That unrest regarding our judiciary is growing as knowledge increases is indicated by the petition addressed to the same convention by the judges of Jackson county and Kansas City praying for the establishment of a judicial council to have supervisory powers over all the courts of the state. Creation of such a body has been advocated by Chief Justice Taft and conforms to the program of the American Judicature Society.

*

For the third successive year the American Child Hygiene Association has issued a statistical report of infant

mortality in cities of 10,000 or over. The report for 1921 is more complete than heretofore. 573 cities have been covered with a population 40,434,121. This is 94.4 per cent of our city population.

*

An Analysis of 1921 Taxes in Nebraska doesn't sound very lively, yet if you want to see an extraordinary public financial document, write to Philip F. Bross, Secretary of Finance, Lincoln, Nebraska. The covers even are interesting. They carry colored charts showing how the average 1921 tax dollar was spent and how the state used its 19 cents of this tax dollar.

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During the summer county government reform was the subject of lively discussion in the following California counties: Butte, Fresno, Riverside, San Diego, Sacramento, Sonoma and Sutton.

*

A Zoning Primer is the title of a little pamphlet issued by the Advisory Committee on Zoning appointed by Secretary Hoover. The government sells it for five cents and presents the case for zoning with a punch all too rare in public documents or private publications.

Nelson P. Lewis represents the

League on this committee and J. Horace McFarland the American Civic Association.

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The voters of Seattle recently rejected by a vote of almost three to one an initiated measure reducing street railway fares from $8\frac{1}{3}$ cents to 3 cents. In opposing the measure a committee of the Seattle Municipal League pointed out that the 3 cent fare would add \$5,325,000 in taxes.

The system is now self supporting on an $8\frac{1}{3}$ cent fare and the picture of individuals riding at public expense was not attractive to the voters.

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*Death of
John A. Butler*

In the death of John A. Butler of Milwaukee the League and the cause of good government generally loses a staunch friend and advocate. Cleaner municipal government had long been a cause close to his heart. For years an officer of the League he gave freely of his time and money to our work. He will be particularly missed in his home city where his high powers were appreciated. He was the organizer and first president of the Milwaukee City Club, and for several years was president of the Wisconsin League of Municipalities. He served without thought of material reward or worldly honors.

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*What is a
City Manager?*

Among students of city manager government there exists some difference of opinion as to the exact sphere of a city manager's functions. How far should a city manager be drawn into matters of policy which may become political questions? Should he take the leadership in urging policies he favors? Should he permit such leadership to be thrust upon him?

Undoubtedly the public at large have varying ideas on this subject.

Some city councils would make the manager their leader by transferring all initiative and responsibility to him. Others would reduce him to the level of office boy. What he will eventually become will depend upon how well the American people are educated up to the manager plan, which involves a new conception of executive functions.

Without further comment, then, we give you a few paragraphs from a recent letter to us written by one of the oldest and most successful managers.

I have found that the attitude of council toward the city manager depends entirely on the personnel of the council, and the individual understanding of each member of the theory of commission-manager government.

The councilman who is familiar with business methods, particularly corporation business, seldom shows any tendency to take the initiative, being content to pass judgment on the reports and recommendations of the manager.

The councilman who has not been trained in business methods is very apt to misunderstand or to forget the duties of the city manager.

It has been my experience that although the city manager is not supposed to have direct relationship with the citizens, a large portion of them seem to consider it an infringement of their rights if they cannot secure direct contact with the manager concerning any subject that may be of interest to them.

Whether the citizens continue to look to the mayor as the executive head of the city after the manager is appointed depends largely on the attitude of the members of council, and is usually a matter of education. If the members of council refer to the manager all questions brought to them regarding administrative matters, citizens seem very quickly to grasp the idea that the manager is the administrative head, and to learn that much time can be saved through the quicker action secured by taking up with the manager directly all such questions.

The Present State of National Economy and Budget Making

After directing the bureau of the budget for one year, General Dawes resigned on July 1 and was succeeded

by General Lord. During his directorship General Dawes was able to show considerable economies and savings, at least on paper, resulting from the utilization of supplies and materials. In a report issued on May 8 he estimated that these savings for the fiscal year 1922 amount to \$250,000,000. This report was made in response to a resolution offered in the House on February 9 following requests by the president and the director of the budget for a deficiency appropriation of \$180,000,000 to supplement the appropriations already made for the fiscal year. The estimated savings were (quoting from the report, p. 32) "accomplished under the new system of coördination through the use of surplus and excess materials and supplies transferred from the department where there is no present need for them to another department which has need for them, the saving to the government being considered the difference between the amount which it would have cost the department requiring such materials and supplies to purchase them in the market, and the amount which the holding department would probably have received had they been disposed of as unnecessary." That is, the estimated savings are the difference between the present prices, which are approximately 75 per cent of the original cost to the government, and the salvage value. Instead of a saving, this actually means a *loss* to the government of 25 per cent on the original cost, besides storage and other losses.

Since General Dawes gave most of his time during the war to the handling of supplies and materials in France it naturally follows that he would emphasize this feature in connection with his budget work. But as large, if not larger, than the expenditure for supplies and materials is the expenditure

for personal services. Yet, he said little or nothing about the latter. Perhaps, it was not politic in a change of administration to dwell on such matters. Upon the cessation of war activities thousands were, of course, dropped from the payrolls. But does this mean that some administrative reorganization and a careful study of the personnel of the government might not reveal several thousand more employees whose services are unnecessary? It is not likely that the director of the budget will receive much encouragement in making a study of the personnel so long as his chief assistants and advisors are representatives from the different spending units. These representatives may be willing to help locate surplus stores and to assist in transferring these stores to other departments, but they are not likely to be very enthusiastic about pointing out surplus employees in their departments. The bureau of the budget will have to build up a staff of its own before it can attack this problem and even then it must have the backing of the administration. That this would be forthcoming is not indicated by the present attitude toward the national reorganization program.

In a speech to the second annual meeting of the department executives on July 11 the present director of the budget, General H. M. Lord, makes the statement that the proposed expenditures of the current fiscal year will exceed the estimated revenues by \$697,000,000. In order to prevent this anticipated deficit, he states that a departmental general reserve plan, as distinguished from the budget general reserve of last year, will be put into effect. Under this plan the department heads will have "under personal control through the year funds which are not mortgaged by actual obliga-

tions or approved departmental projects and will have available funds with which to meet unforeseen contingencies." It is very doubtful if such control when left entirely in the hands of the various spending departments will mean anything. Can we expect executives whose chief business is to spend money to curb themselves very much when they get the money? The office to maintain this control, if it is to be at all effective, is the comptroller general's office. If this office would establish and enforce a system of executive allotments similar to that in operation in Nebraska and Illinois there would be no deficiencies. So far this office does not seem to have accomplished very much.

In his speech referred to above, General Lord speaks of the preparation of the estimates for the next fiscal year and makes this rather naïve remark to the government executives: "May you approach your estimates with prayer and determination—prayer for intelligent guidance and determination to eliminate every nonessential and to restrict the essentials to the low-

est point compatible with efficiency." Anyone acquainted with the habits of the "political animal" will not ponder long the ultimate effect of such a statement. In fact, General Lord shows that he doubts the efficacy of his own exhortation when he tells in the next paragraph what happened to the first unpadded estimate that he, in his innocent and guileless days, presented to Congress. He says he was like the man who habitually arrived home late from his club in a highly inebriated condition,—the first night he went home sober his dog bit him! "In submitting honest estimates," General Lord says, "you may be bitten, but it's worth it if the executive bureaus succeed by such a policy in rehabilitating themselves in the estimation of the congressional committees." We wonder how many of the executives will take a chance of getting bitten—just once. But wouldn't more investigation by a trained staff directly under the budget Bureau be more effective than exhortation in a real budget-making procedure.

A. E. B.

H. W. DODDS.

LIKE THE DEAD INDIAN: THE COUNTY

BY ROBERT M. GOODRICH

Executive Secretary, Duluth Tax Payers' League

SEVERAL years ago Richard S. Childs pointed out that, like the Indian, "the only theoretically perfect county was no county at all." Since that time many exploits have been made into the "dark continent," involving reform and consolidation, but nowhere has the question been seriously raised as to the county's absolute necessity.

It is not necessary to recall even elementary history to recognize that the complexion of the county has completely changed since its early establishment. Modern means of transportation and communication have reduced the county to relatively small proportions.

Even in those counties that exceed in area some of our sizable states, there is little justification for such a unit. In fact the utter lack of harmony in area seems to be a potent argument against the necessity for such a division. For example, Duluth is situated in a county almost as large as the state of Massachusetts, which contains fourteen counties.

If we were to forget that the county had always existed, and at some constitutional convention should be called on to urge the adoption of a division smaller than the state and larger than a city or township, the task would, indeed, be difficult.

Where city-county consolidation has been effected, the municipal characteristics have predominated and the county functions have been assumed with little difficulty. To go farther and divide all functions between townships, cities and states, thus eliminating the county, seems but a step removed.

Under such a plan the judiciary would probably remain unchanged, as counties and judicial circuits are not now coterminous in all states. The peoples' attorney might be elected as now in each judicial district, though it is probable that appointment by the state attorney would be preferable. The development of the state police would meet the problem of the sheriff. In fact the usefulness of many state forces have demonstrated their superiority in no mistakable terms.

Road building is rapidly becoming the most important service rendered by the county. With its development has come the development of state road building programs. Frequently county roads are built without plan or design. The combination of these two agencies would reduce overhead and would result in more comprehensive plans for the construction of roads. The increased scale of construction would undoubtedly result in decreased cost.

In many states education is now a matter of local and state control and the county is assuming no responsibility in this work. Such seems to be a logical and sufficient plan for directing educational activities.

Welfare work and poor relief should be handled by local agencies. Hospitals, reformatories and sanitoriums are, under present arrangements, greatly handicapped because of the smallness of the unit. A single county is rarely capable of supporting these institutions. Through the combination of districts under state direction, a much better system can be worked out.

Registry of deeds, land contracts, mortgages and other documents present a question not easily solvable. Probably the development of new systems of land registry will remove these obstacles, though possibly the local subdivisions can handle this work.

Coroners have already been thrown into the discard in some states. Minor engineering officials could be attached to the other departments. The remaining functions exist because of the county. The elimination of these departments would result in a great saving to the taxpayer. The cost of the

services transferred to the state or the local subdivisions would remain about as they are. However, it may reasonably be expected that with the abolition of an entire governmental unit, greater interest would be focused on remaining divisions with greater effectiveness as the logical result.

Although it is recognized that these changes cannot be realized without years of consideration, the idea is presented simply to raise the question as to whether our activities in the county have not been surface scratches and that we have failed to dig down into the root of the problem.

A STEP TOWARD THE SHORT BALLOT

BY GEORGE C. SIKES

Chicago

Nebraska and Iowa have removed the names of presidential electors from the ballot. A resolution passed at our Chicago meeting last year urges other states to follow their example. :: :: :: ::

NEBRASKA and Iowa have pointed the way to their sister states of the American Union by which the size of the election ballot may be greatly reduced. In Nebraska and Iowa the names of presidential electors do not appear on the ballot at all. The voter merely indicates his choice for president and vice president of the United States. The names of the nominees for these two offices are included within a brace and are voted for together. A vote for particular nominees for president and vice president is counted for the appropriate set of presidential electors, selected in advance by designated party agency, whose names are on file with the secretary of state. Under the Nebraska and Iowa laws it is made the duty of the governor to appoint as presidential electors for the state the set of electors committed

to the candidates for president and vice president who receive the popular vote on election day.

The plan provides for direct voting for president and vice president and gives in effect the same result that would be obtained were the federal constitution to be so amended as to require the election of these officials together by direct popular vote. Under the Nebraska and Iowa laws the electoral college still functions, of course, but the mechanism is kept in the background, so that the ballot is less cumbersome and the voter is less confused.

NO DOUBT AS TO LEGALITY

The legality of the procedure is not open to attack. The federal constitution provides that presidential

electors shall be appointed by each state "in such manner as the legislature thereof may direct." The power of the state legislature in the matter is plenary. Legislatures in the past have chosen presidential electors themselves, or have provided for their appointment. In Nebraska and Iowa the legislatures simply have prescribed that the governor shall appoint as electors a certain list of persons whose names are on file with the secretary of state. While Nebraska and Iowa provide for appointment by the governor, it has been suggested that other states adopting this general plan would improve upon it by vesting the appointive power for this purpose in the secretary of state. The duty imposed is ministerial in nature. The appointing power exercises no discretion. Mere ministerial duties are better delegated to an official like the secretary of state, who can be required by mandamus proceedings in the courts to perform a specific duty imposed by statute, which is not true of the governor.

BALLOT PHYSICALLY SHORTER

The purpose and effect of this plan, first used by Nebraska, is to shorten the ballot physically. It does not really lessen the number of elective officials. It merely removes from the ballot a cumbersome mechanism.

As Nebraska has eight presidential electors, the effect is to eliminate from the election ballot eight names for each party or group making nominations for president. The number of presidential electors for Iowa is 13. In larger states the number is higher and the shortening effect on the ballot of removing all nominees for presidential electors would be even more marked. New York has 45 presidential electors; Pennsylvania, 34; Illinois, 27. New

York has a separate ballot for presidential electors. The one used in the 1920 campaign measured 17 x 19½ inches. It was slightly larger than the ballot bearing the names of candidates for state and local officers. The cost of this separate ballot for the entire state must have been several hundred thousand dollars. If New York were to leave the presidential electors off the ballot, as Nebraska and Iowa do, the names of the candidates for president and vice president could be printed on the ballot for state and county offices, thus saving practically the entire expense of the separate ballot.

The ballot used in Illinois in November of even years is disgracefully long—one of the very worst in the country. The Chicago voter at the November election of 1920 was handed a piece of paper measuring 28 x 36 inches. This is truly a blanket ballot. It is about the size of a baby blanket. Taking off the presidential electors would shorten this ballot physically by about a third. The money saving to Illinois taxpayers in cost of printing by the change probably would be over \$100,000. Such money saving, however, is of trifling consequence in comparison with the benefits to result from liberating voters from the inconvenience and confusion that arise in the attempt to handle a large ballot quickly. The task of counting votes cast for individual presidential electors and of making returns thereof is an arduous one for election officials.

THE ILLINOIS BILL VETOED

An effort was made in the 1921 session of the Illinois legislature to follow the example of Nebraska and Iowa in removing presidential electors from the ballot. Representative Cruden offered a bill to that effect which was

extensively and carefully considered by legislators in conferences with the attorney-general. This bill was passed without a single dissenting vote in either house on final roll call. It was vetoed by Governor Small—too late in the session for a practical attempt to repass it over the veto. The reasons assigned for the veto seem trivial and unsound. Undoubtedly this matter will be pressed energetically again in the 1923 session of the Illinois Legislature.

Some states, notably Massachusetts and Minnesota, have long had an arrangement of the ballot whereby the names of presidential electors are printed in a box in small type and are voted for as a group. There is no good reason why a citizen should be permitted to vote for some presidential electors on one ticket and some on another. The voter at a presidential election is supposed under present conditions to be expressing his preference for certain candidates for president and vice president. It is absurd, therefore, to provide for a form of ballot under which voters may inadvertently defeat their own purpose, by dividing their votes among the electors of different parties. If presi-

dential electors are to remain on the ballot at all, the only sensible arrangement is that in use in Massachusetts and Minnesota. All states would do well, however, to follow the example of Nebraska and Iowa and take presidential electors off the ballot altogether. The matter is one that might profitably receive the attention of legislative sessions of 1923, in preparation for the presidential election of 1924. Many political leaders who object to reducing the number of elective officials look with favor on the plan to shorten the ballot physically by removing the presidential electors. Therefore, success is not so difficult of attainment in this particular aspect of the short ballot movement. Except for the ill-advised veto of Governor Small of Illinois, this plan has not encountered serious opposition in any situation in which it has been discussed.

The National Municipal League, in its last annual convention held in Chicago in November, 1921, adopted resolutions asking that the legislatures of other states follow the example of Nebraska and Iowa in removing the names of presidential electors from the ballot.

GAINS AGAINST NUISANCES *

OVERHEAD WIRE CONSTRUCTION

S. A. RHODES

SCIENCE has contributed the telephone and electric power as important factors ministering to man's well-being. Industry and engineering skill have so reduced the costs for telephone and electric light or power

service that to-day there is a very high development of these services throughout the United States. The benefits from them to our general public are greater than the costs, otherwise there would not have been this great development.

These benefits are secured at some sacrifice from the aesthetic standpoint

*ED. NOTE—Read at the annual meeting of the American Civic Association in Chicago, November 15, 1921.

in that we have with us the familiar telephone or electric light pole line. Just a few figures are interesting at this point to show why there are so many pole lines. In 1910 there were in the United States approximately 2,500,000 users of electric light and power and in 1920, 8,500,000 users. On the same dates there were approximately 8,000,000 and 18,000,000 telephones.

The telegraph service being much older and more established has not shown such great expansion in recent years, and the lines of the telegraph system are confined largely to lines between cities. In the average city the number of telegraph lines in the city proper comprises a very small proportion of the total overhead wire system.

NO RELIEF IN SIGHT FROM WIRELESS

In these days of wireless communication the question may arise in the minds of some as to whether any applications for wireless communication will be made which will tend to reduce the number of overhead wires. Wireless telegraph supplements to-day the wire telegraph service, and to some extent tends to decrease the amount of additional wire facilities required to meet the growth of the regular wire telegraph service. As to wireless telephone communication, it appears that there will be no development in local exchange service in cities and villages which will reduce the use of wire service.

In general, wireless communication is limited by the element of interference between simultaneous communications, and while such interference can be prevented to a certain extent, by methods now generally used, there is a limit to the number of simultaneous communications that can be carried on. Further, atmospheric conditions interfere at times, and it may

be stated therefore that wireless telephone communications will not materially affect the overhead wire situation. Moreover wireless does not operate entirely without wires, since rather a prominent and conspicuous form of construction of overhead wires must be installed at the sending and receiving stations as a fundamental part of the equipment.

UNDERGROUND CABLES

At a certain point of high density of telephone development the large number of wires required for a restricted area can most economically be placed underground, and in our larger cities the density in the central business area is such that these areas are served by underground wires. In the less densely developed areas of a city only a portion of the wire mileage can most economically be placed underground, as, for example, where a sufficient number of wires converge in their path to the central office to require the use of comparatively large cables, these then are placed underground. The number of wires along a given route becomes less as the distance from the central office increases. Any telephone cable may be divided into two portions, (1) the main or backbone section, in which the lines run through without branches to adjacent telephone subscribers and, (2) the distributing section or the portion from which the connection is made to adjacent subscribers by short lengths of open wire. It is this latter portion, broken up into small cable containing relatively few wires, which can most economically be placed overhead on poles and it is this portion with the attendant open wires which constitutes the bulk of the overhead telephone plant in the average city.

For example, in Chicago the back-

bone portion of the line wires contains 1,500,000 wire miles of conductor all underground, whereas the overhead portion contains only 100,000 wire miles of conductor in cable and 15,000 wire miles in open wire. In smaller cities the proportion of overhead conductor mileage is greater as the density of development per block or square mile is naturally less than in the larger cities. For example, Peoria, Illinois, with a population of about 100,000 has 24,000 miles of underground wires, against 13,000 miles in overhead cable and 1,000 miles in overhead open wires. A city of about 40,000 population, Decatur, Illinois, has about the same proportion as Peoria.

Expressed in percentages, the large cities in this country have about 90 to 95 per cent of the telephone wire mileage in underground cable ranging down to perhaps 60 to 65 per cent underground in cities of from 25,000 to 50,000 inhabitants.

Without these facts before them, few people realize the extent to which the total wire mileage of the telephone system is placed under ground.

OVERHEAD MILEAGE LESS CON- SPICUOUS NOW

There is then only a comparatively small part of the telephone wire mileage overhead in the larger cities but nevertheless this smaller part is quite conspicuous. To place it underground would add tremendously to the cost of a telephone plant but there are tendencies from the standpoint of economy in the operation of a telephone system which are reducing the conspicuousness of the ordinary pole line.

In the first place, the use of aerial cable in place of individual open wires carried on poles on glass insulators proves economical to a greater extent

under recent developments in cable construction than was the case some years ago. This has greatly reduced the amount of open wires on pole lines and will continue to further reduce the amount of open wire. A pole line containing only a cable with occasional open wires dropping off from the pole line to adjacent subscribers' premises is a much better appearing line than the old time line with two or three crossarms and twenty or thirty wires supported on these crossarms. However, there is an economic limit to which cable can be substituted for open wire and in the outskirts of cities where the density of telephone development is small, some use will continue to be made of open wire.

Further, another factor which has in many cases reduced the amount of overhead construction is the use of the same pole line jointly by the telephone company and the electric light and power company. This reduces the number of poles one-half. Such joint construction is practicable and desirable where proper limitations are observed on the part of the electric light company as to the character of the current used on its wires and proper separation is provided between power wires and the telephone wires. It involves somewhat higher pole construction but in general there is a marked improvement in the overhead appearance, compared with two separate lines, one for the telephone wires and one for the electric light wires.

COMPETITIVE LINES ADD TO OVER- HEAD CONSTRUCTION

The presence of competitive telephone lines or competitive light and power lines on a given street or alley adds greatly to the overhead wire construction, since each system must maintain its complete overhead line plant.

The general tendency on the part of the public today seems to be towards urging the elimination of competing lines, and doubtless in cases where there are competing systems some plan will be worked out by which this source of overhead wire congestion will be ultimately solved in a way which will be satisfactory and which will reduce the amount of overhead construction.

The use of alleys or rear lot lines as a location for distributing pole lines is quite general. This eliminates the pole line from the paralleling street at frequently a considerable gain from the standpoint of interference by tree foliage and the attendant difficulties of tree trimming, and the street is left clear of wires. Many cities have no alleys in certain sections, but under such conditions the right to use the rear lot line for pole line construction can usually be obtained. Sometimes, however, the use of such private right-of-way cannot be secured through refusal of the property owners to grant the privilege. Such action on the part of these owners is detrimental to the general appearance of the immediate locality if the erection of pole lines on the street is made necessary on account of failure to secure the private right-of-way.

In some closely-built-up apartment house residential sections, overhead telephone wires can be economically placed on the rear wall of buildings or overhead construction avoided entirely by extending cable from basement to basement throughout the entire block. The matter of securing privileges for such construction is sometimes difficult, as it is, of course, necessary to secure the consent of the

property owners for the installation of wires or cables in or on their property, which are used for telephones in other nearby premises.

We have been discussing subjects having to do with the improvement of living conditions in cities including improvements of an esthetic nature. Some gains can be secured without cost to the community, as, for example, the gains to be derived from city zoning, attained by planning in advance. Improvements which can be attained without cost deserve our most persistent effort for accomplishment. Improvements which place an added burden of cost on the community can only be worked out as our economic situation will permit. In the case of two services of such importance in our present day standard of living as the telephone and electric light or power, added costs for the services will bar more of our families of lesser means from the use of the services. Families so barred would have to put up with inconveniences which no doubt in their opinion would be of much greater weight than the objection to overhead wires. The complete elimination of overhead wires in cities is therefore not to be expected since below a certain density of development underground construction for the portion of the lines immediately adjacent to the subscribers served by the lines in question will always be more expensive. However, there are mitigating circumstances acting from an economic standpoint, as described in this paper, which are gradually reducing the number of wires on a given pole, and thus to that extent gradually improving the overhead wire situation.

CLOSING THE NEW ORLEANS "DISTRICT"

BY CLARENCE B. SMITH, JR.

National Institute of Public Administration New York Bureau of Municipal Research

PRIOR to 1917 the city of New Orleans enjoyed a considerable notoriety as a "wide open town," in some circles this impression still persists. The existence of the segregated district in New Orleans can be traced in part to the Latin influence which predominates there and to the fact that the city is the second port in the United States, with all of a seaport's social implications and problems. An added factor is also to be found in the year-round carnival atmosphere of New Orleans, especially as this relates to the annual Mardi Gras, and the large numbers of pleasure seekers attracted by it.

With the advent of the war, however, a new element was introduced into the situation. It now became not merely a local but a national question. The Commission on Training Camp Activities requested the city administration to close the segregated district. The local authorities alleged that they were unable to do so; pressure from the secretary of the navy was now brought to bear, and the exodus from the district immediately began. Within a short time it had been completely deserted by its former occupants and reoccupied by negro residents.

With the passing of the war emergency, the activity of the commission naturally ceased, and the final solution of the problem was turned over to the municipal police force. The stage now seemed to be set for a return to an attitude of easy toleration. It soon developed, however, that the sentiment of the community had undergone a distinct change. The new order had found many friends in New Or-

leans who were unwilling to countenance a return to the old conditions. And so the policy of stern repression, first insisted upon by the federal government under the cloak of a war emergency, now came to be the policy of the city government also, even though the emergency had passed and the federal authority and influence had been withdrawn.

LAW ENFORCEMENT DIFFICULTIES

New difficulties now barred the way. Although the denizens of the segregated district had one by one deserted it, many of these departed only to reappear in other parts of the city. The segregated district was gone, but the problem of the disorderly house remained. It was soon discovered, also, that owing to a variety of causes, it was very difficult, and in most instances virtually impossible, to secure convictions in the municipal courts against proprietors and inmates. The police department thereupon had recourse to a Louisiana statute which authorizes the physical examination of suspected women and compulsory segregation and treatment for those who are found to be infected. While this practice served to take such individuals out of current circulation for varying periods ranging from a few weeks to a year, it did not destroy the traffic and entailed besides a considerable expense for the care and support of persons undergoing compulsory treatment.

It now became perfectly clear to the police authorities that generally accepted police methods were inad-

quate. No suggestions of novel and drastic methods being offered, the department was driven to place its reliance upon the practice commonly described as "strangulation." This method virtually constitutes a quarantine of all disorderly resorts and is effected through stationing a uniformed patrolman in front of the premises under surveillance. The most usual practice is to require the patrolman to warn all persons who are about to enter that the place is likely to be raided at any time. A less common feature, but one which has also been adopted in New Orleans, consists in securing the name and address of all patrons of the resorts which have been placed under quarantine.

The objections to this practice have all been fully discussed by police administrators. Indeed, it may even be conceded that the validity of such objections has been widely and generally recognized. The exercise of such extraordinary powers by patrolmen who are removed from the immediate and constant supervision of a responsible superior readily lends itself to police corruption of an especially objectionable nature. Surely nothing is better calculated to eat the heart out of a police force than partnership with commercialized vice. It is likewise true that the names and addresses secured from patrons are fictitious in the great majority of instances. Nevertheless, experience has shown that this practice of registration has a deterrent effect, even though the precise degree of its success cannot be accurately measured in every instance.

THE POLICY OF QUARANTINE

Certainly the results thus far obtained in New Orleans have amply justified the means there adopted. The first and most important step

toward complete suppression was taken when the superintendent of police placed one of the police captains, in whom he had the greatest confidence, in charge of the vice squad. This captain was given complete assurance of hearty support from headquarters in the task which he was about to undertake. Particularly was he assured that transfers to and from the vice squad would be made strictly in accordance with his wishes. In consideration of this fact, he has been held strictly accountable for vice conditions within the city.

Owing partly to these assurances of support and to the clear delineation of authority and responsibility which was effected—owing partly also to the type of captain selected to command the squad and his qualities as a stern disciplinarian—the work of suppression soon showed definite and appreciable results. The disorderly houses and resorts are slowly but none the less surely being destroyed through a determination to discourage and harass them and their patrons. To this end frequent raids are made upon all places under police quarantine and the inmates held for physical examination. Prosecutions which are pressed in the courts also occasionally meet with success.

The vice squad is gradually being built up into a thoroughly dependable body through a process of natural selection. The system of rigid and unremitting inspection and supervision which has been adopted quickly reveals which members of the squad are disposed to laxity or to dealings with the interests which they are employed to combat. There has been at least one recent instance of a patrolman submitting his resignation from the force upon being notified of his transfer to the vice squad. The personnel of the latter is therefore continually

changing. But in spite of frequent transfers, the residuum of reliable members steadily increases. A number of these are men well past the prime of life who are perhaps best described as "family men." Though scarcely qualified for the exacting duties of circulating patrol, they are nevertheless very useful in the relatively lighter work involved in fixed post duty.

So much police activity has not of course passed unchallenged. Those interests which are most directly and vitally affected have employed every means at their command in an effort to secure even partial relaxation of the grasp which is relentlessly destroying a highly profitable enterprise. But headquarters has stood firm, and the proprietor of a disorderly cabaret, who nightly surveys a broad expanse of vacant chairs and tables in his establishment, alternately threatens and pleads in vain. The uniformed patrolman still stands just outside and in some instances inside the door, offering no interference unless and until the law is violated.

RESULTS SECURED

The day which will mark the passing of the last disorderly resort in New

Orleans may still be far in the future. It would perhaps be too much to hope that a renovation so thorough as that contemplated can be accomplished without years of persistent effort. Some of the best informed of the local authorities are nevertheless sanguine enough to declare that before the close of the current year the police department will have stamped out all but the furtive and clandestine manifestations of an evil so ancient, so persistent, and yet so elusive when attacked, that public authorities have quite generally despaired of scoring any but the most minor and inconsequential victories over it.

In New Orleans, at least, the solution has apparently been found, not in a novel administrative device calculated to solve the problem out of hand, but rather in the wise and painstaking choice of the men to be held responsible. Tested by the results obtained and by a wealth of external and internal evidence, the method employed by the New Orleans police, though defective in some of its aspects, has proved far more successful than less hazardous and hence more acceptable plans which have many times been tried and found wanting.

THE RECENT SPOILS RAID IN WASHINGTON

BY H. W. MARSH

Secretary, National Civil Service Reform League

"When we see a lot of framed timbers, different portions of which we know to have been gotten out at different times and places by different workmen, Stephen, Franklin, Roger and James, for instance, and we see all these timbers joined together and see that they exactly make the frame of a house . . . we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning."—ABRAHAM LINCOLN. :: :: :: ::

THE general public has assumed for many years that the merit system as embodied in the federal civil service law was an accomplished fact. Although many people have grown to believe that it is not an unmixed blessing, practically no one thought that there could be any danger of its being swept away, either by executive action or by act of congress. It was therefore an extraordinary situation which led the National Civil Service Reform League to call a mass meeting in Washington on April 27 and it is worth setting forth in some detail the circumstances leading up to the call.

REPUBLICANS DIVIDED ON CIVIL SERVICE STANDARDS

The feeling which played so large a part in the presidential campaign of 1920 intensified the resentment of some of the new executive officials in being able to bring with them to Washington relatively few of the men who worked with them during the political campaign. Nor did the tremendous majority by which the Republican party was swept into power serve to lessen this resentment. A typical example of it is found in a letter written on May 14, 1921, a little over two months after he took office, by the

secretary of labor, James J. Davis, to Congressman Will R. Wood, concerning a bill then pending in congress. In this letter Secretary Davis said:

My efforts in trying to increase the efficiency of this department and in making it more quickly responsive to changed conditions and to new economic problems have driven me to the conclusion that the classified service embraces too large a per cent of all the personnel of the department. From present experience I am inclined to the opinion that as the responsibility and discretionary powers of a position increase there should be less of the classified service. To illustrate: I find that all assistants to heads of bureaus and chiefs of divisions are under the civil service. Many positions in importance equal to bureau chiefs and division heads are so covered, which makes it utterly impossible for the head of a department to readily impress upon the service his own ideas or to work effectively much desired reforms. It seems to me that when a position gets into the field of policy-determining matters that it should no longer be within the classified service but should be left open for appointment of individuals in harmony with the policies of the responsible head. I have on my desk a number of letters from members of the Senate and the House, complaining about the fact that they have observed no change in the conduct of certain activities in my department since there has been a change in administration. The simple fact is that I am powerless to enforce changes which I desire because I am powerless to put in charge of these places individuals in sympathy with such changed policies. I say this without any reflection upon those in

charge of the offices. For years they have traveled a certain course, their minds have gotten into a certain routine, into a certain line of thought. They approach the questions from an angle as definitely established as the poles, that in spite of their desire to co-operate they find themselves unable to get out of the rut.

This feeling of resentment was communicated to some other heads of departments by the political workers back home who were talking against the civil service system. Everyone who was in touch with government affairs in Washington believes that a repeal of the civil service law was a practical impossibility. Such action could only result in the complete defeat at the next election of the political party responsible for such repeal. The strongest argument which could be made against the civil service system was to allege that it had gone farther than it was ever intended to go and to try to make out a case which would show that the carrying out of policies which had been determined upon by the vote of the people at the last election was endangered, if not made impossible, by preventing the new administration from selecting its own employes, particularly those for higher positions, with a free hand.

With such men as Hughes, Mellon, Hays and Hoover in the cabinet, however, encroachments on the classified civil service did not progress rapidly. But in December, 1921, there appeared upon the horizon a gentleman from the far west, formerly from Ohio, one Elmer Dover. Mr. Dover had formerly been a newspaper reporter and editor and latterly a business man and always a politician. From 1897 to 1904 he was secretary to the late Mark Hanna. He was secretary of the Republican National Committee from 1904 to 1908, and for many years was one of the most active Republican workers. Mr. Dover was selected to

be assistant secretary of the treasury in charge of the customs and the internal revenue services. The important thing about Mr. Dover's connection with the administration at Washington is that he let it be generally known that he had come there to "Hardingize" the service. Soon after his arrival changes began to take place. Not only changes among the employes outside the classified civil service, but also changes in positions in the classified civil service. Investigating committees were appointed by Mr. Dover to look the service over and to see in what ways the existing organization of the customs and internal revenue services was apt to interfere with the carrying out of the "policies" of the new administration.

The next alarming symptom of the state of mind of members of the official family occurred on March 6, 1922, when Attorney General Harry M. Daugherty appeared before the Appropriations Committee of the House of Representatives with regard to an appropriation bill for his department and the department of the treasury. Apropos of appropriations for personnel he said:

I do not speak for the administration, but I am giving you the benefit of my observation and judgment, about which I have no doubt, and I am thoroughly convinced that the civil service is a hindrance to the government. I would rather take the recommendations of a political committee, either Democratic or Republican, a self-respecting committee, for the appointment of a man or woman than be compelled to go through the requirement of the civil service to secure an employe.

THE TEMPEST IN THE BUREAU OF ENGRAVING

And finally on March 31, 1922, President Harding issued an executive order affecting employes in the bureau

of engraving and printing. This order dismissed the director and assistant director of the bureau of engraving and printing. It affected altogether 31 offices in the bureau and dismissed the incumbents "for the good of the service." New offices similar to the old ones, but with slightly different titles, were created, and the director of the bureau was authorized to fill them.

Although President Harding must and does accept full responsibility for this order he probably never would have taken just this action if he had had more competent advice.

THE LAW VIOLATED

Three of the positions listed in the order as among those abolished were created by act of congress. The act of August 24, 1912, known as the Post Office Appropriation Act, carried a rider which put into law what had formerly been a rule of the United States civil service commission, requiring that no person in the classified civil service could be removed except for cause and that the person whose removal is sought should have notice and be furnished with a copy of charges preferred against him and be allowed a reasonable time for personally answering the same in writing. The constitution and federal statutes have always been construed as limiting the delegation of the power of appointment by congress to heads of departments. In the case of employes of the bureau of engraving and printing the power of appointment had been delegated by congress to the head of the department, the secretary of the treasury. The president's order attempts to give the power of appointment in these special cases to the director of the bureau.

It seems, therefore, that three separate statutes were violated in the

issuance of the president's executive order of March 31; first, in that statutory positions were abolished, second, in that removals were made without furnishing to the persons removed a statement of charges preferred against them and giving them an opportunity to reply, and third, that the power of appointment was delegated to the director of the bureau of engraving and printing.

THE CRUELTY OF THE DISMISSALS

But the striking thing about the issuance of this order is the cruelty of its effect. The provisions of law which seem to be violated by the order could easily have been complied with and the same effect accomplished. The employes concerned might all have been suspended in accordance with the civil service rules pending the filing of charges. In the act of suspension a statement of reasons furnished to the employe is not required. The abolishment of any position and the immediate creation of new places with similar titles is in itself foolish and unnecessary. The manner in which the order was carried out has placed a stigma upon the employes concerned. They have not only lost their positions but also their civil service status, so that it is impossible under the existing situation for them to secure re-employment under normal civil service procedure. All the employes concerned were prevented from having any knowledge as to the impending changes, none of them knowing until the evening of the issuance of the order the fact that such a move was contemplated. They state that they do not know to this day why they were removed. It has been difficult and in some cases impossible for some of them to secure employment anywhere because of the shadow cast upon

their separation from the government service.

In reply to formal protests from the president of the National Federation of Federal Employees and other representatives of the employes removed, the president on April 5 wrote that the changes made at the bureau were ordered after extended deliberation and that the action taken was not intended to impugn anyone's character. He stated, "In the circumstances which were presented to the executive at the time of taking this action, it seemed apparent to me then, as it does now, that no action less sweeping than was taken would give complete assurance of the full protection of the government's interests." The president then goes on to express his regard for the civil service law and says that if there is anything to prevent the action taken "such an inhibition on the powers of the executive ought to be made very clear to congress, to government employes, and to the American public." No other explanation of the order has ever been given out by the president.

OTHER ATTACKS ON THE CLASSIFIED SERVICE

In the midst of the discussion of the removals in the bureau of engraving and printing, John H. Bartlett, First Assistant Postmaster General, who had served eight months as a member of the United States civil service commission before he came to the post office department, entered the fray. On April 10 he issued a statement to the press through the publicity channels of the post office department. In this statement he said the original sponsors and founders of the civil service system cited \$1,800 as the maximum salary to be included under the examination system. He mentioned Senator Morrill of Vermont as one of

these leaders in the movement. Governor Bartlett then went on to complain of the fact that the advocates of the civil service system have reached higher and higher officials "until now . . . it reaches those who are paid as high as \$5,000." He said, "It is exceedingly difficult to draw the line where civil service should stop its attempt to reach the higher officials, but would seem to be reasonably sound doctrine that in a government by the people, when a new administration comes in with a fresh mandate from the people to carry out certain policies it should have the privilege, in fact, a perfectly free hand, to select all those higher officials to whom must be entrusted administrative policies and executive discretion." He went on to say that a new administration in order to accomplish great reforms must surround itself with administrative and executive officials in sympathy with these reforms and policies.

In a conference which a committee of the National Civil Service Reform League had with the postmaster general, Dr. Hubert Work, who succeeded Will Hays in that office on March 4, 1922, Dr. Work expressed the opinion that the examination held for the selection of presidential postmasters should be removed from the jurisdiction of the civil service commission and that the post office department should hold its own examinations for these places. In answer to a question whether this would not result in political appointments, he said that this was the result under the present practice. Dr. Work stated that all other things being equal, he would always select a Republican if he were among the first three.

"FRAMED TIMBERS"

It was in the face of such statements of public officials that the officers of

the National Civil Service Reform League felt called upon to make a public protest against what seemed to be an organized drive to seize certain higher places in the competitive classified service and to use them for the spoils system. This they did at a mass meeting in Washington on April 27. Mr. Foulke, in an address on this occasion, aptly described the alarm felt by the friends of the merit system by reference to an incident in the earliest days of the Republican party. He said he was reminded of the occasion when Stephen A. Douglas had secured the passage of the Kansas-Nebraska bill to leave the people of the territories free to admit or exclude slavery, subject only to the constitution. The Dred Scott case had been argued before the supreme court of the United States and the decision of the court had been postponed pending election. James Buchanan, a pro-slavery man, was elected to succeed Franklin Pierce, and in his inaugural address he had urged the people to abide by the forthcoming decision, whatever it might be. In the decision Chief Justice Taney declared that congress had no power to exclude slavery from the territories. When Lincoln addressed the Republican convention in Springfield on June 16, 1858, in discussing the relation between this decision and the Kansas-Nebraska bill he had said:

When we see a lot of framed timbers, different portions of which we know to have been gotten out at different times and places and by different workmen, Stephen, Franklin, Roger, and James, for instance, and we see these timbers joined together and see that they exactly make the frame of a house or a mill . . . in such a case we find it impossible not to believe that Stephen, and Franklin and Roger, and James all understood one another from the beginning and all worked upon a common plan or draft.

Commenting upon this bit of his-

tory, Mr. Foulke said that today we found the same thing in regard to a wholly different subject—the civil service. He referred to the order dismissing the employes of the bureau of engraving and printing and to the statements of Messrs. Davis, Daugherty, Work and Bartlett quoted above. He mentioned the paeon of joy pronounced by Congressman Williams when Mr. Hays left the post office department, and the declaration of Senators New and Moses that Democrats should be replaced by Republicans because they were Republicans. And summing it all up he said:

“When we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen” by Daugherty and Williams and Work and Dover and New and Moses and Bartlett and others, “and when we see these timbers so joined together that they exactly make the frame of a house or a mill” we find it impossible not to believe that these gentlemen all understood one another from the beginning and all worked upon a common plan.

The argument of Governor Bartlett, who spoke at the meeting, was in the main a bitter personal attack against the officers of the League and a vituperative insistence that executive officials must be surrounded by persons in sympathy with the policies of the new administration.

MR. DOVER AND THE CONGRESSMEN'S PETITION

Soon after the League's meeting Secretary Mellon of the treasury department appreciated the extent to which Mr. Dover was “reorganizing” his department, and he promptly called a halt. A serious “difference of opinion” developed between Mr. Dover on the one hand and Secretary Mellon and Commissioner of Internal Revenue Blair on the other hand.

The trouble grew so serious that about the middle of June Republican members of congress signed a petition endorsing Mr. Dover, which petition was formally presented to the president by Congressman James T. Begg of Ohio. At the same time the petition was being circulated there appeared upon the desks of Republican members of congress a so-called "Survey of the Personnel of the Bureau of Internal Revenue." This survey, of mysterious origin, contained a list of alleged Democrats holding so-called key positions in various parts of the treasury department. It was published in the newspapers and very promptly a number of the persons who were called Democrats made public statements indicating clearly that they had always been Republicans. A large majority of the employes listed held positions in the classified civil service and could not be removed without charges and an opportunity to make reply.

The whole matter culminated in the resignation of Mr. Dover, which was

submitted to the president to take effect on July 15. The president in announcing the submission of Mr. Dover's resignation said that the resignation was because of the fact that Mr. Dover was not in sympathy with all the administrative policies of the treasury department.

Whether or not the drive on the classified civil service has been permanently checked with the resignation of Mr. Dover remains to be seen. It is certain, however, that Mr. Dover's resignation has had a salutary effect upon the entire government service. It is hardly conceivable that in the face of public sentiment expressed by editorial comment the country over any other administrative official will be quite so bold in making places for "the faithful." It is also of interest to note that there has been a marked lessening of pressure on the part of members of congress, or heads of departments and on the civil service commission, to secure places in the government service for worthy constituents.

THE NEXT STEP IN THE ORGANIZATION OF MUNICIPAL RESEARCH

BY CHARLES E. MERRIAM

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THE most casual observer must be struck by the progress made in the study of municipal government during the last fifty years. Prior to the Civil War city government was scarcely a subject of systematic discussion, except in isolated cases. When the corruption of cities was exposed in the period following the war, the first reaction of the public was not in the direction of systematic study of the fundamental causes of misgovernment, but there was a general demand

for the processes of the criminal law, for the awakening of the slothful civic conscience, for the political overthrow of the "bosses." Tweed, the incarnation of the "System," was thrown into jail. Many other minor Tweeds have been attacked with varying degrees of success for a generation. In fact this battle still rages through the land.

The study of municipal government began with the formation of the Conference for Good City Government in 1893. This later took the shape of the

National Municipal League (1894). The meetings, conferences and publications of this organization afforded an opportunity, hitherto lacking, for interchange of personal experiences, programs, methods; and finally led to the formulation of certain common aims in a model charter. The significance of this body for the practical improvement of city government can scarcely be overestimated. It represents a remarkable combination of democratic enthusiasm and practical judgment which has had no counterpart either on a local or national scale. The League has presented a fine type of intelligent, persistent, democratic organization directed toward the improvement of the structure of city government, as well as the strengthening of civic interests and ideals.

In 1907 began the development of special bodies for the more detailed study of municipal problems in a more technical way than was possible for the League. The pioneer in this field was the New York Bureau of Municipal Research, closely followed by similar organizations in Chicago and Philadelphia and a score of other cities.¹ These institutions rendered and are still giving excellent service in their special fields. In the reorganization of systems of accounting and reporting, in the standardization of contracts and methods of purchasing, in developing budget procedure, in directing attention to the problems of municipal personnel and organization especially on the administrative side, these agencies have done much for American city government. In more recent years the formation of the Government Research Conference, offers promise of fruitful cooperation on the part of these industrious bodies. These activities are largely although

by no means wholly confined, however, thus far, to questions of accounting, finance, or organization in the narrower and more technical sense of the term. They have not usually become agencies of comprehensive municipal research. However, in the specific field to which they have been thus far committed their great usefulness continues to be unquestioned. Students of government, public officials and citizens generally owe them for much in the way of practical and technical progress.

In the meantime, many other agencies have arisen in the municipal field, designed for information or action, or for both. The temporary committees of citizens brought together for emergencies have often become permanent city clubs with a social basis and motive. No city is without one or more of these organizations. Nation-wide organizations such as the National Tax Association, the National Civil Service Reform League, the National Conference of Social Workers, the City Planning Conference, the Chamber of Commerce of the United States, the National Real Estate Board, have undertaken important municipal work, and others have begun to deal with various aspects of the local problem. Community Trusts and other "Foundations" have begun to deal with some of the problems of the municipality. Bureaus of municipal research or reference have been established in many educational institutions.²

The Institute for Government Research, the Institute for Public Service, the National Institute of Public Administration have recently been organized for research and training purposes. Professional societies of different types have also begun to take a specific interest in the urban question, as is seen in the case of the account-

¹ See the analysis of these bodies in G. A. Weber's *Organized Efforts for the Improvement of Administration*.

² See Munro's *Bibliography*, 356-66, 389 for lists, down to 1915.

ants, the engineering societies, the sanitarians, the public utility groups, and the numerous leagues of various classes of city officials from general to special. I am not attempting to catalogue these agencies here, but only to call attention to various types in which municipal interest plays an important part. In fact the number of inquirers and their overlapping inquiries are sometimes a source of confusion. Not even the useful services rendered by the Public Affairs Information Service and the indices of various journals are able to clear away the smoke entirely.

Notwithstanding these organizations and their activities, there are still great gaps in systematic municipal information and still larger voids in thorough-going municipal research of a scientific character. The list of essentials in systematic information is still large, but in view of the fact that more than half of the population of the United States is classed as urban, it ought not to be difficult to obtain these fundamentals, if there is effective coordination and organization of effort.

TYPES OF MUNICIPAL RESEARCH

I suggest the following examples of significant types of municipal research.

DIGESTS AND REVIEWS

1. A comprehensive and comparative study of the fundamentals of municipal structure, including the principal cities of the United States. This has been partially done in such publications as the charter digest prepared for the Chicago Charter Convention of 1905, the various constitutional convention bulletins, in the census bulletins, in treatises like that of Clute; but it still remains an uncompleted task.

2. An annual digest and review of important charter changes, whether in the shape of action by local charter-making bodies, or by state legislatures in the form of general or special laws, or of constitutional amendments. The statutory changes in the various states of the Union were recorded in the New York State Library bulletins for many years, and proved of the greatest practical value to those concerned with city government.

3. A continuing study of the practical operation of the different types of organization. An example of this is the detailed study of commission government once made by the New York Bureau of Municipal Research, and published by Mr. Bruere under the title of *The New City Government*. At present there is no impartial agency employing skilled investigators for the purpose of procuring objective reports upon the actual workings of various types of municipal institutions as they develop. Hence we are at the mercy of observers whose training and bias may render their information of dubious value. Some of the most important experiments ever undertaken in the history of democracy are being carried on with scarcely any skilled observation or adequate record.

4. A survey of municipal functions, such as fire, police, health, parks and public welfare, public utilities, zoning and planning, with a periodical revision of such a survey. Fosdick's studies of police systems are examples of what might be done for all branches of city government. These studies if carefully and impartially made, and kept up to date, would be of the very greatest value to those who are concerned with municipal government.

5. An annual digest and review of municipal ordinances in the principal cities of the United States, and also of

the state laws having primarily a local effect. Various types of ordinances are collected and reviewed by different organizations, but these are often incomplete in the special field, and are wholly inadequate for the general field. We are consequently left without an index of the great mass of municipal law made every year by our busy ordinance and law-making bodies.

STATISTICAL DEVELOPMENT

It should also be possible to develop the statistical service of American cities very largely and with very good results. We have no annual year book of the type seen in the British Municipal Year Book or that of Canada; nor do we have anything to compare with the *Statistisches Jahrbuch deutscher städte*, and similar publications in France and Italy.³ Financial statistics are now covered by the Federal government and by a considerable number of states. In this direction great progress has been made in recent years. In 1905 when Dr. Fairlie and I undertook an analysis of the revenues of Chicago and in that connection undertook to obtain certain comparative figures we encountered difficulties which are now readily solved.

Operative statistics of cities are still extremely imperfect, and are open to very material improvement. There are very large gaps in the publication and assembly even of the most usual types of statistics, such as election figures, criminal and judicial statistics; and even vital statistics are incomplete in many respects. Some of the larger cities publish statistical compilations, as in New York, Boston and Chicago, but even these are scarcely comparable with the statistical studies of London, Paris and Berlin.

In many cities almost no figures are available. Significant progress might be made by the enlargement of the scope of our city statistical data to cover already standardized forms and types which are lacking here. The advances made by the United States government and the governments of a number of the states are of great importance, but they still leave us far behind in the work of systematic compilation of statistical matter.

Beyond all this, however, there is need of careful study of the question, to what extent and in what directions quantitative measurement of municipal operations is possible, useful and feasible. Are there not fields in which without too great expense we might obtain data of the greatest practical value for the government of cities? Are the very meager figures we now possess the best that scientific study can supply in the twentieth century? Clearly "municipal statistics" is not a fixed quantity, but a developing instrument of observation, growing with the growth of scientific observation and analysis. Almost any extensive inquiry into expansion of municipal transportation, city planning or zoning discloses very quickly the lack of great masses of statistical information and analysis which it is quite possible to obtain and which when found are of great practical usefulness. What we really know about the life currents of our municipalities appears to be only a small fraction of what we might expect under a well organized system of statistical observation.

For the purpose of broadening the scope of such statistical inquiries the cooperation of a number of officials, observers and students would be of great value. A committee of persons interested in the scientific and practical possibilities of municipal statistics could in all probability assist very

³ See Fairlie on "Comparative Municipal Statistics" in his *Essays*.

greatly in the collection and analysis of those significant municipal facts upon which we rely more and more for the intelligent ordering of our communities. Of course no one expects a magic rule to rise from the maze of figures. The "mystic numbers" have lost their sway over us. But every responsible official and citizen appreciates the far-reaching value of a solid fact basis in the development of municipal policy and administration.

It is probable that the Federal government might be persuaded to make broader schedules of inquiry, if the request was based on the thorough and mature inquiry by persons familiar both with the problems of cities and the technical aspects of statistics. The cooperation between the Federal government and the accounting officials of cities is an interesting case in point, showing the large possibilities of advance in this direction. The financial statistics of cities have developed in twenty years from chaos to something more nearly approaching an organized system. It seems entirely feasible to make equally great advance in other statistical areas.

SURVEYS AND ORGANIZED RESEARCH

Beginning with the Pittsburgh Survey in 1910, many similar studies in the social and economic organization of cities have been made throughout the United States. These are not of uniform value, but taken together they constitute a very valuable source of information regarding the phenomena of municipal life. They have gone below the forms of government and law into the environment and these social forces without which the process of political control cannot be intelligently considered. Many of these inquirers are obviously groping for an adequate methodology, sometimes

with relatively crude results, but they are advancing continuously and they are assembling great masses of material which cannot be ignored in any scientific study of the urban problem on its governmental side. Their findings contain many flashes of insight into the inner workings of municipal forces. Many other inquiries made by the sociologists in the course of their studies are of great value to students of government, in that they describe and interpret the fundamental forces conditioning the action of the government. Likewise the organized agencies dealing with the special and practical problems of poor relief in the broader sense, or with medical relief or the protection of children more specifically, are making available many important data regarding the basic conditions of urban life and conduct. They pass from the realm of general theory to the specific problem of the individual case study. Masses of facts are being compiled in zoning, planning, housing and transportation studies, but much of the material is lost for local use even, to say nothing of more general utilization. Private associations are also making intensive studies of urban characteristics, tendencies and growth, notably the inquiries of the telephone, gas, electric lighting and traction companies. The real estate boards, the fire insurance companies and other commercial enterprises are finding it profitable to use the technique of social science in the practical conduct of their affairs.

NO CENTRAL INTERPRETING AGENCY

There is no central coordinating agency available for the purpose of interpreting and applying this mass of facts and conclusions to the problems of municipal government in the broader sense of the term. The Sage

Foundation, it is true, exercises a general supervision over the types of inquiry termed "surveys" and has done very useful work in this capacity of standardizing and aiding inquiry. Yet there is no adequate central clearing-house for interchange of information, and for mature analysis and interpretation of all the various types of data collected. Perhaps no such central agency is possible or desirable, but is it not worth while considering whether some more effective device for interchange of information might be developed than we have at present? Even without a central agency it would of course be possible to maintain a general committee or commission for the purpose of such coordination and cooperation as is possible under the circumstances.

MUNICIPAL BEHAVIOR

Beyond all this compiling and digesting and reporting of municipal facts, and studies of a socio-political character, lies the deeper question of the scientific study of municipal behavior—a problem of political and social psychology on which we have little light down to this time. We have, to be sure, the off-hand psychology of the political practitioner which is not to be despised, but which is not comparable with the scientific results of accurate observation and conclusion. An objective study of the characteristics and reactions of urban populations, of the genesis of these tendencies, of their strength and weakness, of their modes of training and adaptation, should throw much light on the problem of modern city government. There is no magic formula to be found, no occult force to be sought out and applied for the immediate and permanent relief of all the ills the body politic is heir to. However, there might be

scientifically based conclusions which would be of the very greatest value in elementary political education, in adult information and cooperation, in structural and administrative agency and appliance, in facilitating that invention and discovery which should be characteristic of the modern city, itself so largely the product of scientific discovery and mechanical appliance.

Many of the situations in urban government should be studied with the very greatest minuteness and care without special regard to immediate results. We need the opportunity for detached inquiry which may yield little at first and perhaps for some time seem to be relatively unproductive. The emergencies of municipal life are so urgent in their demands and the workers are so few that we have thus far been unable to make on a sufficiently large scale those thoroughgoing intensive studies without which fundamental results may not be obtained.

We may say that municipal research is just beginning. We need not look forward to the government of our cities by scientific observation and calculation, but we may assume that cities will be more effectively governed when scientific observation and analysis is more nearly complete than at present, and when its conclusions are more seriously considered by the governing bodies of municipalities. It may be said that we have not yet applied the precepts of experts in politics and administration respecting structure and procedure of government in cities. Yet it may be reasonably argued that one of the reasons why the counsels of political experience and prudence are not more readily taken up is that we do not yet fully understand the processes of social and political control conditioning public action. Many of the aspects of urban govern-

ment are in large part phases of political psychology, or as is sometimes said of "human engineering," but political and social scientists have not down to the present time attacked this problem with even a modicum of success. Until this is done the full harvest of municipal research cannot be reaped. We are only gleaning a sheaf here and there.

SIGNIFICANT TOPICS

Of great significance in the process of urban government are such topics as: the relation between mobility of population and the governmental problem; the detailed analysis of the characteristics and tactics of leaders, bosses and reformers; the technique of political propaganda; the quantity and causes of non-voting in cities; the relation of social groups to the government of cities; the position of technical science in city government. I cite these only by way of illustrating some of the parts of the field of municipal research in which relatively few inquiries have been made, but which are intimately related to the governing process in the community. They may not result in immediately measurable "savings" or results, but they may lead to a more intimate understanding of the workings of the political side of human nature out of which may come betterments on no inconsiderable scale. And, after all, fundamental research, whether in natural science or social science, cannot be conducted on the basis of always obtaining immediately measurable results. Farm and factory have found it useful to maintain research apparently remote from results, but which in reality has multiplied a thousand fold the productivity of field and machine, and added to the control of man over nature's forces. The intensive, persistent, ex-

perimental, inventive, contriving and constructive spirit has its place in the domain of human nature and social and political process as well as elsewhere. That "human nature" stands in the way of urban progress; that no finer types of citizens can be produced; that no better forms of coordination and cooperation can be obtained—these are not the counsels of the modern creative intelligence which is transforming the world almost as if by magic.

Government does not consist in charters, ordinances and rules merely, but in the habits, dispositions, wishes, tendencies of the urban population. In the thorough understanding of these factors and in the knowledge of how these traits are developed and how they may be modified, educated, trained, how they may be induced to coordinate and cooperate lies a great opportunity for the development of the most thorough kind of fundamental municipal research. Of course it is not to be presumed that knowledge of municipal behavior can precede the understanding of human behavior; or that we can understand the political or the urban without regard to the economic and the social. But the students of governmental problems and processes may make their contribution to the general progress of science at this point.

There are fascinating possibilities in municipal research that begins the development of genuinely scientific method, and is more closely related to such representatives of applied science as the engineers, the psychologists, the statisticians. The great and pressing claims of political education, the urgent claims of practical prudence in dealing with city affairs need not and must not be minimized, but the demands of fundamental research and science have also their deep, if less clamorous, ap-

peal to those who take what Bryce has called the "long look" forward.

CONCLUSIONS

My conclusions are, then:

1. The urgent necessity of providing for a series of digests and reviews, covering the obvious facts of municipal structure and operation at least as adequately as legal information is now supplied to the lawyer.

2. Continuing study of the practical operation of the many experiments in municipal government now in process. For this purpose more trained observers, more accurate methods of observation, and greater coordination of workers is needed.

3. The closer and more systematic study of municipal statistics with a view of filling in the evident gaps in our information, and further of covering more completely those phases of municipal life that are susceptible of quantitative measurement and useful for purposes of municipal organization and control.

4. The better coordination and organization of the now scattered studies of municipal phenomena being made by students of sociology, economics, and politics.

5. The development of fundamental municipal research involving the understanding of the urban political process, itself a part of the larger social and economic process. We need a thorough understanding of the habits, dispositions, wishes and tendencies of the urban population, of how their traits are developed and how they are and may be modified, educated, trained and fitted into institutions and organizations of government.

We need not apologize for large requests of men and money to carry forward the study of cities, for half our population is now urban; and the urban institutions and ideals are likely to be dominant in the next generation. America's cities will be increasingly influential in determining America's policies, in fixing the American standard of government. There are times when imagination is more important than moderation, and this is one of them. We need not stammer or stutter when we speak of the needs of our urban communities and ask for reasonable application of the creative human intelligence which has made the physical framework of the city, to the further problems of its organization and control.

THE DIRECT PRIMARY IN TWO STATES

The nominations of Beveridge and Brookhart have been generally discussed from the political standpoint. These articles are different. They are appraisals of the primary by two trained observers on the ground at the time. :: :: :: :: :: :: :: ::

I. THE IOWA PRIMARY INTERPRETED

BY JOHN E. BRIGGS

University of Iowa

THE direct primary is based on the assumption that political democracy is a good thing, that the consent of the governed should be obtained as directly as possible. There are probably few people in the United States who would restrict the participation in government to a small governing class—a group of professional bureaucrats. On the contrary no one would seriously advocate absolutely pure democracy—the country is too big and the people are too busy. But between these positions there is every shade of opinion, from the restriction of suffrage by many qualifications to the use of every method of popular control. The tendency in this country has been in the direction of more democracy, and the direct primary is one of the instruments of that democracy. Whether the primary shall be considered a success or a failure depends ultimately upon whether a majority of the people will retain their faith in the ability and willingness of the voters to choose public officials intelligently or whether they will decide that this function should be performed by a few wise men.

The nomination of Smith W. Brookhart in the Iowa primary as the Republican candidate for United States senator has been widely heralded as an expression of a nation-wide reversion

to progressivism, not only because Brookhart has liberal ideas and represents particularly the interests of the laboring classes, but because the primary, which has been regarded as a manifestation of the progressive movement, was the means of his success. The election in Iowa revealed a distinct cleavage between liberal and conservative Republicans. As a rule the conservatives have been inclined to condemn the primary and the liberals to praise it. Those who opposed Brookhart are apt to claim that the primary is a failure while his supporters declare that the result is a vindication of the primary election as an instrument of democracy. But one swallow does not make a summer. Neither should the direct primary method of nominating candidates for public office be judged by a single incident.

THE PRIMARY UNDER ATTACK

Ever since the Iowa primary election law was enacted in 1908 it has been the subject of criticism, some of the objections being directed against the primary as a method of nomination and others against the operation of the statute. In 1920 and again this year the attacks seem to be more vigorous and determined than usual.

There are some voters in this State who advocate repeal of the whole system, but probably the great majority favor some form of direct primary though they might welcome amendments to the present law.

The principal alleged faults of the Iowa primary are: (1) it entails too much expense, (2) the number of voters who participate is so small that the nominations are not true expressions of party opinion, (3) the requirement that a candidate must receive 35 per cent of the total vote cast for an office enables a minority to determine the nomination, (4) if there are more than two candidates for an office the 35 per cent requirement makes nomination by convention almost certain, (5) the members of one party participate in the selection of candidates of another, and (6) the party loses responsibility for nominations that are made in the primary. The Republican senatorial primary in Iowa last June throws some light upon the validity of these objections.

CAN ONLY THE WEALTHY AFFORD IT?

One of the most common criticisms of the primary system is that the cost of conducting two campaigns eliminates persons of moderate means—only the wealthy can afford to run for public office. The Iowa senatorial primary is illuminating on this point. There were six candidates seeking the Republican nomination: Smith W. Brookhart, Clifford Thorne, Charles E. Pickett, Leslie E. Francis, Burton E. Sweet, and Claude M. Stanley. Francis, who was fourth in the election, spent \$6,869, which was twice as much as the campaign cost any other candidate. The coincidence that Stanley who received the least votes also spent the fewest dollars can be explained on the ground that he en-

tered the race late and never had much chance of winning. The significant thing is that Brookhart, who won the election, spent less than \$500. It must be remembered, however, that campaigning is largely a matter of advertising, and Brookhart was well known on account of his prominent campaign for the same office against Cummins in 1920. Moreover, he had the aggressive support of the *Iowa Homestead*, one of the most influential farm journals in the country. That alone was worth any number of paid advertisements. A further explanation of his low personal expenditure is furnished by his official expense account statement that farmers provided meals and automobile trips without charge, that farm and labor organizations supported him at their own expense, and that halls were supplied free. Judging from his experience it appears that great wealth is not necessary to win a primary nomination in Iowa even when the office is vigorously contested, if the candidate is already well known and has many friends—a circumstance which gives him a great advantage over opponents not so fortunate.

61 PER CENT PARTICIPATE

One of the most effective criticisms of the primary system is that only a small percentage of the voters participate. If the people as a whole are not interested in nominating candidates the primary may become a tool of professional politicians or special interests and cease to be the means of democratic expression. How large a vote can reasonably be expected? The total vote for all senatorial candidates in the Iowa primary this year amounts to only about 26 per cent of what it might have been if all voters had participated in the nomination of candidates for that office. This showing is

very misleading, however, because only the Republican and Democratic parties held primaries for the office of United States senator, and the party allegiance declaration presumably excluded all members of minor parties. Furthermore, there was no contest in the Democratic primary so that there was no particular incentive for the Democrats to endorse their candidate. Consequently the Republican primary furnishes the proper measurement of popular interest in the nomination of a senator. The six Republican candidates polled a total of 323,622 votes which amounts to a little over 61 per cent of the normal party strength if the vote for Senator Cummins in 1920 is accepted as the standard. All of which goes to show that only a small percentage of all the voters actually attend the primary, but within the dominant party where there is competition for nomination and hope of election the proportion of primary voters is fairly satisfactory. The vote was certainly large enough to indicate a definite interest and express a decisive choice.

THE 35 PER CENT FEATURE

There is difference of opinion as to what should constitute a decisive vote. To secure a nomination in the primary the Iowa law requires a candidate to poll at least 35 per cent of the total vote cast by his party for the office. Brookhart received the support of over 41 per cent of the voters who engaged in the nomination of a Republican senatorial candidate. Obviously a majority of the party did not prefer him above all others, and it might be assumed therefore that he is not the choice of the Republican party. It must be remembered, however, that there were five other candidates and it is very improbable that part of the

support of any of them would not have gone to Brookhart if any had withdrawn. The fact that Brookhart ran either first or second in all but three of the ninety-nine counties is ample evidence that he was by far the most acceptable candidate. Suppose a preferential ballot had been used—probably the most accurate way of determining the popular will. There can be little doubt that Brookhart would have been the ultimate choice. For example Claude M. Stanley, the low man, carried three counties in each of which Brookhart was second. It is quite probable that Brookhart would have been the second choice of most of those who voted for Stanley, so that if Stanley's support could have been transferred so as to make it effective Brookhart would have been one of the chief beneficiaries. That is the answer to those who assert that Brookhart is a minority candidate. And perhaps it points the way to the preferential ballot as a substitute for the 35 per cent plurality requirement.

Under the Iowa law when no candidate receives the required 35 per cent plurality in the primary the nomination is made by the party convention. When there have been more than two candidates for an office in the Republican primary the nomination has almost invariably gone to the convention. With six candidates in the race for the Republican senatorial nomination last June is seemed to be a foregone conclusion that no one could receive the support of 35 per cent of the voters and that the selection would certainly be made by the State convention. But the political dopesters overlooked the peculiar circumstances of the campaign. It was not every man for himself: it was Brookhart against the field. Instead of the five sharing the support of Brookhart they shared his opposition. And the unex-

pected came to pass. The nomination was made in the primary because there was a clear choice. The result is evidence of conscious, thoughtful voting. The people had a preference and expressed it without regard to position of names on the ballot, party endorsement, residence of candidates, or any of the factors that are supposed to influence voters. The direct primary will nominate if there are any positive reasons why one candidate deserves approval above all others.

There are many staunch partisans who seem to think that a political party is an end in itself and not a means to an end. Such people are opposed to any form of primary that interferes with party organization. They desire iron-clad allegiance, and if there is to be any popular nomination voters should be required to formally enroll as party members long before election time. That would indeed go far toward stabilizing party organization, establishing party responsibility, and preventing the members of one party from participating in the nomination of candidates of another. It is this cross infection in primary elections that worries the regulars.

DID DEMOCRATS VOTE AT REPUBLICAN PRIMARY?

Several rock-ribbed Republican newspapers of Iowa claim that Brookhart was nominated by Democrats and Socialists who voted in the Republican primary. That is a common charge in every close and important primary contest—one of the stock criticisms of an open primary—but it can not be proved conclusively one way or the other. In support of the contention attention is called to the fact that over 37,000 more votes were cast for Republican senatorial aspirants than for any other office on the Repub-

lican ballot. Were these 37,000 voters Democrats and Socialists who were not interested in any other contest? Probably some of them were, but it is at least equally as plausible to assume that many of them were Republicans in the same plight. Moreover, the total vote for United States senator in the Republican primary this year is only about 61 per cent of the normal party vote. In 1918 when Senator Kenyon had no opposition his vote in the primary was only 55 per cent of his vote in the general election, but in 1914 the Republican primary vote for United States senator was nearly 70 per cent of the vote for Senator Cummins in the general election. In view of these facts the showing this year does not appear to be abnormal—the cross infection does not seem to be more serious than usual.

When a candidate receives the widespread indorsement that Brookhart did his party ought to be willing to acknowledge his leadership and accept the responsibility for his nomination. The assertion that parties have lost practically all responsibility for the candidates chosen by the primary appears to be based on the notion that the party and the machine are synonymous. The object of the primary is to deprive the machine of its assumed responsibility for which it can not be held accountable and place that responsibility with the party which must stand or fall at the final election on the wisdom of its choice of candidates. The Republican party leaders have not taken the nomination of Brookhart with good grace: he is not the candidate they prefer. Naturally they blame the primary and condemn it. But he is the Republican candidate and will have the support of a majority of the active members of that party. Though the party leaders may ostracize him, there is no way in which the

party can repudiate its responsibility for his nomination.

WOULD A CONVENTION HAVE NOMINATED BROOKHART?

Would Brookhart have been nominated if the decision had been referred to the state convention? No one can say positively, but newspaper opinion seems to indicate that he would not have been the choice of the Republican convention. Brookhart was not an organization candidate. Indeed, he capitalized that fact in the campaign. There were persistent rumors during the campaign that the organization was trying to prevent a nomination in the primary, and inasmuch as none of the six senatorial candidates seemed likely to secure the required number of votes the organization no doubt had well laid plans for controlling the convention. If so, Brookhart would not have been nominated by the convention. But given the opportunity, if the convention had nominated another man that act could not have been indicative of any more party responsibility than the nomination of Brookhart by the voters.

Speculation as to whether Brookhart would have been nominated if the "Hughes plan" primary had been used is rather futile but perhaps suggestive. That plan presupposes a truly representative party organization (which is probably an unwarranted presumption), responsible for naming official party candidates. If these candidates are acceptable there is no primary but any small group not satisfied with any may select a candidate of their own, thus requiring a referendum on the organization slate. It would be difficult to conceive of Brookhart as the official party candidate under the Hughes plan, but it is probable that he would have run for the nomination. If the party organization were truly representative an official party candidate might have been found who could have defeated Brookhart, but the actual results seem to indicate that the people voted for Brookhart in the June primary because they liked him best and not because they disliked him least, and because he was not the organization candidate. If that is true he would probably have won in any kind of a direct primary.

II. THE INDIANA PRIMARY

BY FREDERIC H. GUILD

University of Indiana

A CLEAN-CUT CONTEST

The outstanding feature of the Indiana primary on May 2 was, of course, the contest between former Senator Beveridge and Senator New for the Republican senatorial nomination. It was a clean-cut contest with no other contestants, a contest between men who had long been in the public eye and who had both stood

high in political councils. Senator New was a personal friend of President Harding, closely in touch with administration affairs, a regular upon whose support the administration could always count. Ex-senator Beveridge had been a leader of the Progressives, a close friend of Roosevelt. With twelve years of service in the senate he could claim even more experience than Senator New. But he had been a

Progressive, and the implication was immediate that, if elected, he would be relatively independent and might prove a thorn in the side of the administration.

Some attempt was made, in consequence, particularly by Democrats, to weave into that primary contest considerable national significance. But, as is frequently the case in these elections between presidential years, the voters of the state apparently refused to permit the possibility of national deductions to interfere with a state contest.

It was above all else a contest of personalities. The independence or progressivism of one candidate and the regularity or standpatism of the other may have been positive considerations. It has long been pointed out that the most natural division of public sentiment is that of liberalism versus conservatism. And it is highly probable that just such a natural division occurred within the Republican ranks in the Indiana primary.

NATIONAL ADMINISTRATION NOT A DOMINANT ISSUE

But it seems equally certain that the question of approving or rebuking the national administration was not a dominant issue. Many New supporters must have felt deeply that a vote for their candidate was a vote of confidence in the Harding administration, a vote which must be secured. But there is no evidence to show that the Beveridge supporters felt that their vote was being cast against the administration. In fact the leading Republican papers of the state which supported Beveridge were careful to deny any such imputation. They centered their attention on the fear of a possible Democratic year. Beveridge was a proved campaigner, a pro-

gressive, who might attract the progressive element in the Democratic party. New was not in any sense a candidate to make a popular appeal from the stump. The Newberry vote, the tariff, the bonus, and other issues which could be raised against New could not be used against Beveridge. The primary should select the candidate who, in the fall election, could wage the most successful fight for the Republicans. And Beveridge, himself, felt constrained during the campaign to assert that, if elected, he would expect to work in harmony with the administration.

Beveridge won the nomination by 20,000 votes, receiving 205,410 to New's 184,938, a clean-cut victory, for a 10,000 majority is large for Indiana in any closely contested election, and Senator New had defeated Senator Watson in 1916 by a much smaller margin. Strong Beveridge support came from most of the rural counties and the expected majorities for Senator New in precincts within the larger cities was greatly reduced.

If there could be any single reason for so decisive a victory it might be found in the influence of the newspapers, in legitimate advertising. For two years prior to the primary Albert J. Beveridge, historian, had been receiving the most flattering of press notice. As Howell of Nebraska is credited with winning the ether or radio vote, so might Beveridge be said to have won on the *Life of John Marshall* and the fundamentals of the constitution. For two years there were but brief intervals when the newspapers of the state did not carry some report of an enthusiastic reception of the exponent of the great cases of the greatest chief justice. Not political advertising in any sense; not a word of politics. Merely a favorite son of Indiana bringing honor to the state in

all parts of the country. And when, in those two years, Beveridge spoke within the state, his subject was still the Life of John Marshall or the fundamentals of the constitution established by our forefathers. Or, often enough, there were addresses to Bible classes and similar religious organizations on biblical subjects. Free, legitimate, non-political advertising was carried in all newspapers of the state, Republican or Democratic alike, for a space of two years, not to mention the political comments of favorable nature in the monthly and weekly magazines later. It was probably the most remarkable pre-campaign publicity given in recent years to any candidate not then holding office. This publicity for Beveridge, the historian, the orator, must have accounted for many of the votes for Beveridge, the candidate.

On the other hand Senator New as an organization man, possessed an asset not to be lightly disregarded. It was to be expected that the organization would be working quietly and effectively in his behalf.

THE PRE-PRIMARY SLATE

It must be borne in mind, however, that there are two rather distinct attitudes in Indiana concerning active participation by the party organization in the primary contest. In Marion County (Indianapolis) and the other counties containing large cities, the machine apparently regularly prepares its slate and pushes it through with considerable regularity. In many instances in the rural counties, however, and frequently in cities of 10,000 or more, there seems to be a definite feeling that the primary should be a free choice by the party voters and that party committees should not interfere in behalf of any one candidate. In the larger counties slates are fre-

quent. Indianapolis had five distinct slates in the 1922 primary. In rural counties the slate is looked upon with disfavor.

In consequence it was not to be expected that the Republican organization, the Republican clubs and the party committees, would openly endorse Senator New and openly demand and fight for his re-nomination. New was obviously the candidate of the regulars. That was understood. Senator Watson, generally counted as a New supporter, did not actively campaign for Senator New. President Harding, a close friend of Senator New and known to favor his candidacy, took care to let it be known that he would keep his hands off the primary contest. But party workers over the state were of course openly for New in private conversation, and many of them undoubtedly worked hard in his behalf on election day. And it was rather naturally taken for granted that, with the organization working for New, the contest would be a close one.

The Beveridge victory by over 20,000 votes required some explanation, in the eyes of the New supporters. Their obvious inference was that party workers in many parts of the state had failed in their duty. And it was immediately charged that Senator Watson had betrayed New, if not by working against him, at least by not working for him. This Senator Watson of course indignantly denied at once. It was pointed out that Senator Watson's precinct and other territory usually controlled by him had gone for Beveridge. The implication was that Watson could have swung it for New had he so desired. The fact that such rumors sprang up immediately after the primary, showed that all had not been harmonious in the ranks of the "organization" prior to the primary. And it is of course possible that some

such lack of harmony may have had its influence in the contest. Certainly the New campaign in parts of the state was lukewarm compared with the contest waged in behalf of Beveridge. This may have been due largely to the fact that Beveridge took the stump in his own behalf, and that he is a very successful campaigner. Senator New remained at his desk at Washington during the contest.

BEVERIDGE REPORTS CAMPAIGN EXPENDITURES

Another factor of some importance was the question of campaign expenditures. Beveridge early in the campaign announced that he believed the people were entitled to know how much a candidate was spending before they voted. He challenged Senator New to make a weekly statement during the campaign showing his expenditures. In view of the Newberry issue—and Senator New had voted to seat Newberry—this was capital campaign strategy, for New was the wealthier of the two and might be expected to spend more than Beveridge. But it was also a sound proposition which met with approval in many quarters of the state. New refused the challenge and made no statement of his expenditures prior to the primary. Beveridge, however, published a general statement weekly in the leading newspapers, and just before the primary he and his campaign manager issued a final sworn statement showing a total expenditure of \$10,000.

PRIMARY NOT CONTROLLED BY THE ORGANIZATION

Whatever the causes back of Beveridge's nomination the result is clear. The organization had not controlled the nomination. Beveridge would hardly have been nominated under the

old convention system. At least his chances for success would have been materially smaller, and the contest would have taken a different aspect. Party leaders were as uncertain as the lay members of the party as to the outcome, even on election day, when on the first returns from the first 50 precincts heard from, the New managers claimed the state for New by 25,000. Predictions before the primary were filled with "ifs." The rural vote was counted as strongly pro-Beveridge. If the weather was clear, the farmers, who were behindhand owing to the recent rains, would not come to the polls, and New with the organization behind him ought to win. No one knew what the women would do. Generally the opinion was that they would be favorable to Beveridge. It all depended on the women, many said, and after the primary it was Senator Watson's opinion that "the women did it." One thing is certain, when the polls opened and voting began, it was an open question which would win. The organization had no trumps up its sleeve. In this sense Beveridge's victory was a vindication of the primary. The choice was entirely in the hands of the rank and file of the party. The people had spoken without "machine" domination.

MUST NOT JUDGE BY ONE CASE

Still, it is strange how popular opinion and even skilled political observers select a single contest, upon which the spot-light is focused. The 1922 primary brought out the largest number of candidates the Indiana primary has yet seen. Both parties urged contestants to come forward and they came. In Marion county, with eleven state representatives to be nominated, the Republican ballot carried 57 candidates for that office, and the Demo-

cratic contestants for the same office were nearly as many. Even for minor offices the number of contestants was unprecedented. From the local returns so far analyzed it seems probable that, with 1,016 townships and 92 counties nominating officers, eliminating those positions for which there is seldom contest, and allowing an average of but two contestants, there were considerably over 5,000 candidates in the field in the two parties. Adding 3,000 precinct committeemen, elected by each party at the primary, and the delegates to the party conventions, the total would exceed 12,000. Out of this staggering total, we select one contest upon which to predicate conclusions concerning the merits or defects of the direct primary. Did other progressive candidates defeat organization men, or did the "machine" name its slate? The complete

figures have not yet been analyzed, but it seems that in this primary the choice throughout was beyond organization control. The fact is, however, that we have as yet barely begun the study of the primary when the senatorial contest is out of the way.

The Indiana senatorial primary is preferential only. Unless one contestant receives a majority of the votes cast the final nomination rests with the state convention. In this primary both parties nominated their senatorial candidates in the primary by majority vote. But Indiana is contemplating repealing the state-wide feature of the primary law. And with the offices of governor and United States senator out of the primary as other state offices still are, the conclusions based upon the present senatorial contest would be of little practical value for the future.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE LAW OF MODERN MUNICIPAL CHARTERS.

By William K. Clute. Detroit: Fred S. Drake, 1920. 2 vol. pp. liii, 1517.

Mr. Clute says that this work represents an "extension" of his "notes and references," and that the "thought of classifying these notes and references into a systematic arrangement" for the benefit of others was, in a measure, "the motive for their development in the present form." Mr. Clute has certainly gathered a great many notes and references; but most of them were collected by others before him—a fact of which he seems unaware. And whatever may have been his motive in putting them into their present form, the result is assuredly the sublimated quintessence of disarray—if indeed one may with propriety speak of sublimation in connection with a treatise of more than 1,500 pages.

In his introductory chapter, under a section head entitled "States Permitting Municipal Home Rule Under Various Plans," he says: "The commission plan, city-manager plan and a modernized federal plan are analyzed, and judicial decisions considered, upholding the right of municipal home rule, the validity of the commission plan, and the use of the initiative and referendum." Precisely so; and with just about the degree of relativity that is thus indicated. The next section, entitled "Home Rule a Southern and Western Idea" contains two sentences on its subject, neither of which, it may be superfluous to remark, sustains the new notion that municipal home rule originated in the South. The section is chiefly concerned with giving the names of commission-governed cities of over 30,000 inhabitants. The "systematic arrangement" of this introductory chapter is prophetic. We are duly forewarned by it. We ought not to be surprised, therefore, to find that while the doctrine of legislative supremacy over cities is discussed in the second chapter, the doctrine of an inherent right of local self-government goes over to the fourth. The two doctrines, being mutually refutatory, are of course indissolubly connected. They are one subject. But between the discussion of them, Mr. Clute inserts a chapter on "Whether Home Rule Charters, the Commission Plan and the Initiative, Referendum

and Recall Are Departures from a Republican Form of Government." In the eighth chapter there is an elaborate analysis and comparison of the commission plans of Galveston, Houston, and Des Moines, of the city-manager plan of Dayton, of the federal plan of the Ohio optional law and of St. Louis, and of the commission-manager plan of Grand Rapids. Then follows some six hundred pages on home rule in specific states, after which the charters of these same cities are set forth in extenso, running to another six hundred pages. (Indeed the high cost of printing seems to have been no deterrent to Mr. Clute.)

These instances of arrangement will serve not only to illustrate the author's sense of systematization, but also to show something of the content of this work.

The best part of the work deals with the law of home rule. Even so, there is no adequate discussion of many of the important home rule cases. Moreover, there are disproportions that are by no means warranted by considerations of relative importance. For instance, California, which has had the largest experience with home rule and by far the largest amount of litigation over it, is treated in a little more than one hundred pages, approximately half of which are devoted merely to a recital of pertinent constitutional provisions. On the other hand, Michigan, where the experience with home rule has been less than in California and the resulting litigation far less important, is treated at considerably greater length. Here again a large part of the text is merely a copy of the home rule acts for cities and for villages. The footnote annotations accompanying these acts contain references to and discussions of innumerable cases that did not arise in connection with the judicial construction of these specific acts. This method of annotation, however, is doubtless far more useful than usual.

There is no doubt that a great deal of valuable information on legal points can be found in these two volumes; but the seeker will certainly have to do his share of the work in finding what he wants. The student of government who is looking for a descriptive picture of legal results will find lots of colors but no picture.

HOWARD LEE MCBAIN.

ASSETS OF THE IDEAL CITY, and A HANDBOOK OF MUNICIPAL GOVERNMENT. By Charles M. Fassett. New York: Thomas Y. Crowell, 1922.

In a pair of books written by Charles M. Fassett (and published by Crowell) the general reader is due for a pleasant surprise. They are intended primarily for school use, one of them frankly names itself a handbook, and they have the paragraph topics that always signify textbooks. But both of them are interesting for straight-away reading, and one of them, "Assets of the Ideal City," holds the reader absorbed as no textbook is supposed to do. It gives one the thrill of seeing visions of some future ideal society together with the solid satisfaction of realizing that all the details are already, somewhere, in some form, in actual operation. Both books are soundly practical, being written by a man who has developed his theories through substantial experience: Mr. Fassett was first an engineer, then president of the Chamber of Commerce in Spokane, then for two years its mayor and is now a specialist in municipal government in the University of Kansas.

These two volumes combine admirably. The "Handbook of Municipal Government" in clear simple language describes the various forms of municipal government, outlines methods of election and appointment, and analyzes the whole complex fabric of a city's organized life. The other book approaches the material of city organization from the point of view of its potentialities of development. As definitely as if he had announced it as a text Mr. Fassett shows that "no man liveth unto himself," picturing the city as a huge illustration of the necessity and advantage of cooperation and of civic unselfishness. From the surrender of the right to dump your garbage in the nearest pond to the limitations of building under zoning, the city, in Mr. Fassett's vivid picture, proves that the interests of one are, in the long run, the interests of all.

All the progressive measures that have been tried throughout the country are endorsed . . . the city manager form of government, proportional representation, the fullest measure of democratic control, public ownership of public utilities where the city has shown its fitness to own; and always one has the reassuring sense that they are endorsed because the writer has seen them work rather than because he has a theory that they should. Such bits of historical color as the moral objections raised to the first introduction of artifi-

cial street lights are delightful extras. Two things are basic . . . clear and easy-reading information and an inspiration toward good citizenship. The books are very well adapted to the use of popular study clubs or classes in government.

VIRGINIA RODERICK.



Second and Final Report of the Judicature Commission, Boston, 1921. Pp. 168.—The Massachusetts legislature failed to profit from the excellent work of the judicature commission of 1919–20, having enacted only a few insignificant bills among twenty-six which were proffered. This is said to have been due in part to the political fights which engrossed legislators' attention. It will be recalled that a preliminary report of the commission presented to the 1920 assembly resulted in the enactment of the small claims procedure act which placed Massachusetts in the lead in providing simple and inexpensive justice for small litigants. The final report represents a large amount of very intelligent and conscientious labor. It presents a very thorough critical study of the entire machinery of justice. Owing to the lack of a statistical and administrative function within the judiciary, such an investigation is of itself of great value, for it provides answers to many of the questions which arise concerning the courts and which otherwise cannot be resolved.

The two most important matters discussed in the report are the rule-making power and the judicial council. On these questions the commission evinces timidity. Rule making is approved in principle, but it is recommended that there be no enlargement of the existing power. A judicial council is recommended, but it is not to be a real administrative authority but, instead, an advisory board of judges and lawyers. It would collate statistics and recommend bills for enactment by the legislature, the theory being that the courts now have sufficient rule-making power to supplement legislation and produce a healthy development of adjective law.

Even such a limited judicial council as is recommended would doubtless prove of great value, but the theory of increasing judicial participation in rule making seems weak because the courts have failed for so long a time to exercise any considerable power in this field that it would now be necessary to repeal all the existing body of statutory rules and declare them to be court rules pro tem, in order to restore this inherently judicial power to the judiciary. The

report gives the impression that the judicature commission did not dare to go as far as their convictions indicated, hoping that a portion of a loaf might be yielded by the legislature. This hope was defeated in the recent session, the bill to create the judicial council having been killed by the house ways and means committee after approval by a vote of seven to eight by the judiciary committee.

Massachusetts is a small state in which judicial administration is comparatively easy. It has always had an exceptionally capable judiciary. Its legislated procedure has been better than the similar product in many other states. The bar of the state is in many respects justified in its reverential attitude toward the judicial system, but not in its theory that the highest ideal is merely to conserve present benefits. There is room for improving even Massachusetts courts and procedure through a responsible centralized judicial power and, since the state has travelled further already than most others, it has a less distance to go to assure itself of ultimate leadership. If it does improve materially in the next few years considerable credit will accrue to the painstaking efforts of the judicature commission.

HERBERT HARLEY

New Sources of Revenue. Final report of the committee on new sources of revenue, Boston, 1921. Pp. 42.—The mayor of Boston in January, 1920, appointed a citizens' committee to study new sources of city revenue and methods of economy. The final report of the committee was under date of March 21, 1921, and has recently been published. Prof. W. B. Munro was vice-chairman of the committee.

The principles upon which the recommendations were made were: "first, that the present tax base should be widened so as to relieve real estate and spread the burden of taxation more evenly over the entire community, and second, that those classes of occupations and business which make use of public facilities and require special police and fire protection, improved highways or other special services, should contribute their share of the expenses necessary for furnishing such services. In carrying out the latter principle, the committee has recommended an increase in a number of licenses and permit fees and the adoption of certain new licenses, the establishment of an excise upon amusements and a reapportionment of a part of the state motor vehicle fees; while a tax upon retail sales has

been suggested as the most practicable method of broadening the incidence of taxation and affording relief to real estate." It is estimated that if such recommendations were carried into effect the city would have an additional annual income of \$5,250,000. The retail sales tax is discussed at some length, the advantages and objections stated and the conclusion reached that the municipal and not the national government should have the revenue from this form of tax.

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The Board of Appeals in Zoning. By Edward M. Bassett. The Zoning Committee of New York. New York, 1921. A pamphlet on "The Board of Appeals in Zoning," by Edward M. Bassett, counsel, has been published by the zoning committee of New York.

Mr. Bassett states that legislative authority to appoint a board of zoning appeals is one of the fundamental preliminaries to zoning. He shows that in New York City the board of zoning appeals has been a very great help and safeguard in the administration of the zoning ordinance. He states that, "If the city of New York did not have a board of appeals in connection with the zoning resolution with its duties defined in the charter and the resolution itself, there is no doubt that numerous cases would have come before the courts involving the constitutionality of the zoning resolution. The decisions in some of these cases would undoubtedly have been adverse. Instead of this the existence of the board of appeals has probably been the greatest element in making possible the remarkable statement that for five years there has not been any declaration of a court that any provision, however minute, of the New York zoning resolution and maps is unconstitutional."

Power in a board of appeals to vary the provisions of the zoning ordinance in accordance with certain prescribed rules is necessary in certain cases in order to make the provisions of the ordinance more reasonable and less arbitrary. As Mr. Bassett states, "Human wisdom cannot foresee the exceptional cases that can arise in the administration of a zoning ordinance. The strict word of the law may sometimes be the height of injustice."

Mr. Bassett's pamphlet contains as an appendix a list of leading cases on zoning, a list of state-enabling acts authorizing zoning and a list of zoning ordinances adopted. The pamphlet is a very important contribution.

ROBERT H. WHITE.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Bacharach Bill Criticized. *To the Editor of the National Municipal Review:* Mr. Bauer's article¹ in your July number on the Bacharach injunction bill, shows that your critic is erroneously informed as to the law and practice in the federal and state courts. In either court, it is the duty of the judge to decide a case upon the record and not upon personal information of his own. If, therefore, it were true that the judges of state courts are much closer to local conditions than those of federal courts, a judge would have no right to be guided by any inference derived from this fact. But how can it be said that the judges in the courts of the state of New York understand local conditions any better than Judges Hand or Mayer or any other federal judges in the United States courts in New York?

In either court the record of the public service commission and the evidence on which it is based, will be received directly as evidence. It is a mistake that "in the federal court an entirely new record must be provided." In either court a subpoena would issue requiring the clerk of the commission to produce the commission record. That would be put directly in evidence.

Moreover the law in the federal court is that the report of the commission is binding upon the courts, unless shown to be clearly against the evidence or against law. This was held by the Supreme Court in the *Abilene Cotton Oil Company* case, 204 U. S., 426, in *U. S. vs. Louisville & Nashville Railroad*, 235 U. S., 314-334, and in many other cases. The rule familiar in the state courts is applied in the federal courts that a finding against evidence is an error in law. But otherwise the findings of fact are binding. It has, for example, been held in a suit to enforce an order made by the Interstate Commerce Commission, that all that the plaintiff need do is to introduce the findings and order of the commission. *Meeker vs. Lehigh Valley Railroad*, 234 U. S., 412-434.

Again Mr. Bauer says that the United States

District Court has set aside the order of the public service commission upon affidavits. What it has done is to grant an injunction against immediate enforcement of this order. That is a very different thing from setting it aside. He says "the whole matter will go for determination to a master." He overlooks Equity Rule 46, adopted February, 1913. "In all trials in equity, the testimony of witnesses shall be taken orally in open court, except as otherwise provided by statute or these rules." The statute referred to is that allowing depositions of witnesses who do not reside within the jurisdiction, or are about to leave it, to be taken out of court. The rule referred to is Rule 59—"Save in matters of account a reference to a master shall be the exception, not the rule, and shall be made only upon a showing that some exceptional condition requires it." This rule expresses the practice which also prevails in the Supreme Court of the State of New York.

The real reason why the federal courts should have jurisdiction in questions arising under the constitution is this. The framers of the constitution saw that it was necessary that the new government should have power to enforce its laws. It is the law that private property should not be taken for public use without compensation. If a state commission fixes a rate which prevents the corporation to which it is applied from paying expenses of operation and interest on its debts, this order is confiscatory and a violation of federal law which the federal government should have power to prevent. The Confederacy left the federal government dependent upon the states for the enforcement of the federal law. This made the government weak and ineffective.

Some persons have forgotten this. Senator Norris, for example, proposes to abolish all the federal courts, except the Supreme Court. The Bacharach bill does not go so far, but it is a step in that direction.

The Committee on Jurisprudence and Law Reform of the American Bar Association, of which I have the honor to be Chairman, has unanimously condemned it and we think that all persons interested in the protection of individual rights against confiscation, should oppose it.

EVERETT P. WHEELER.

¹ The Bacharach Bill was explained and defended by Dr. Bauer in the *JULY REVIEW*, p. 218. It is designed to prevent appeal to the Federal courts from the ruling of a public service commission until appeals in the state courts have been exhausted. The Committee on Law Reform of the American Bar Association reported against it and it is here criticized by the chairman of that committee.

County Government.—The County Manager Charter in Sacramento, Cal., was submitted to the voters August 29 with prospects of adoption by a large majority.

The charter embodies sweeping reforms and if adopted will doubtless be the best framework of government possessed by any American county up to date, which is not saying much. But on the other hand, it does not, as the name, county manager, suggests, apply correctly to county government the basic principles of the city manager plan. A diagram of the new Sacramento plan bears no resemblance to that of the typical city manager charter because the solid unity of the latter is lacking, the ballot is left practically as long as before and the manager controls only a certain few of the department heads, the rest remaining independently elective.

The charter provides for the election of 13 supervisors, one from each district with nominal salaries, and continues on the elective list the district attorney, sheriff, superintendent of schools, county clerk, auditor, recorder, assessor, tax collector, coroner and public administrator. The county treasurer is abolished and the county surveyor is consolidated into the office of the highway engineer; these two offices were formerly elective. The charter commission retained the long ballot only after a fight and it appears that no efforts were spared to diminish the powers and patronage of the independent officers as far as possible. The county manager, appointed by the board of supervisors, is ex-officio road commissioner and purchasing agent, and most of the county expenditures, including all those for roads, public works, buildings and institutions, will be concentrated under his direction. As purchasing agent he must also buy without charge for any school district or municipality within the county that requests him to do so. A budget system is required. The civil service commission is of three members, two appointed by the judges of the superior court, the third member being the county manager.

A new system of drawing jurors is expected to end certain local abuses and there are substantial changes in township offices.

If the charter is adopted, a full account of the situation and the charter will be obtained for an early issue of the *NATIONAL MUNICIPAL REVIEW*.



Michigan County Reform Effort Fails. The task of getting 105,000 signatures to initiative petitions for the amendment that would permit

new forms of county government in Michigan proved too great for the organizers and for the slender amount of volunteer effort that could be mustered for such a cause and the petitions were not completed. The number of signatures required this year happened to be unusually large and seven other initiative petitions on various subjects failed of completion for the same reason.



A County Manager Plan Bill passed the senate of Louisiana in June under the leadership of Henry E. Hardtner of Urania but did not reach a vote in the house although reported favorably by the judiciary committee. The bill provided that parishes (counties) might by a referendum vote change their form of government to that provided in the act, namely, a police jury (board of supervisors) of 5 to 9 members nominated by districts but elected at large, with power to appoint a parish manager who in turn was given the right "to employ such assistants as he may need to carry on the work and shall fix the compensation for such employees." Elective officers were not disturbed by the bill and were to remain independent as before.

R. S. C.



Chicago Plan Commission Reports Progress. The twelfth annual report for 1921 of the Chicago plan commission is a record of continued progress. Twelve major parts of the plan of Chicago are now under way and in various stages of completion.

In the plan, the foundation of the street circulatory system is a quadrangle of wide streets around the "loop" district, composed of Michigan Avenue on the east, Roosevelt Road on the south, Canal Street on the west, and South Water Street on the north. During 1921 the Michigan Avenue, Roosevelt Road, and Canal Street widenings made progress, and a large amount of necessary preliminary work in connection with the South Water Street project was accomplished.

The plan also proposes the creation of great traffic arteries extending as major streets north-and-south and east-and-west through the city from city limits to city limits. Three of these streets on the West Side—Western Avenue, Robey Street and Ashland Avenue, all north-and-south thoroughfares, progressed to the point of having court petitions for their opening, widening and extension filed in the courts during

the year just ended. Construction was started on another, Ogden Avenue, which today is a great diagonal thoroughfare extending two-thirds across Chicago in a northeasterly direction from the western city limits to Union Park. Buildings are now being torn down to continue this street, 108 feet wide, for the three mile distance from Union Park on the West Side to Lincoln Park at Lake Michigan on the North Side.

Court petitions were also filed on five other street widenings in the district just west of the loop, extending from the Chicago River west to Halsted Street, and from Harrison Street south to Roosevelt Road. In this area Clinton, Desplaines, Jefferson; Polk and Taylor Streets are to be widened from forty feet to eighty feet, in order to allow the district to develop into a first-class warehouse and commercial section.

The proposed harbors in Lake Calumet and along the shore of Lake Michigan at the Illinois-Indiana State Line, came a step nearer reality with the passage of an ordinance by the Chicago city council providing for the creation of an industrial harbor in Lake Calumet, and the passage of legislation by the state legislatures of Illinois and Indiana providing for a harbor commission to establish and operate the proposed "Illiana" transfer harbor at the state line.

The forest preserve commissioners acquired 3,487 acres during 1921, bringing the present total up to 21,516 acres; and a start was made upon the project of establishing a zoo in the forest preserves near Riverside, along the Desplaines River, ten or twelve miles west of Chicago. The county board continued developing good roads, connecting Chicago with the preserves and with surrounding suburban villages, and connecting the various preserves with each other. Fifty miles of new pavement were laid during the year.

Good progress was made in carrying on the lake front park development, and piling was driven in the shallow water along the shore of Lake Michigan to start the creation of what will ultimately be 1,138 acres of park lands, extending for five miles from Grant Park in the center of the city to Jackson Park on the south side. Necessary preliminaries in connection with the extension of Grand Boulevard northward by means of widening South Park Avenue to 198 feet were successfully conducted. In the Plan of Chicago it is proposed to establish a connection between the north and south side boulevard

and park systems by constructing a bridge across the mouth of the Chicago River, connecting Grant Park with the Municipal Pier, Lake Shore Drive and Lincoln Park.

The Illinois Central Railroad Company started initial technical work looking to the electrification of its facilities and the construction of its new depot fronting upon Grant Park at Roosevelt Road, the southern boundary of the traffic quadrangle encircling the heart of the city. The total estimated cost of this terminal improvement is 88,000,000 dollars. On Canal Street, the western boundary of the quadrangle, the Union Station group of roads is remodeling its facilities and erecting its new depot, at an estimated cost of 75,000,000 dollars and during the year construction work continued although slowed up somewhat by financial and labor conditions.

E. S. TAYLOR.

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Ireland's New Constitution. One never expects an Irishman to be dull and those who drafted the new constitution, recently published in this country, have not disappointed us. It is refreshing, to put it mildly, to turn from following the debates in our state constitutional conventions, which are still arguing whether the treasurer and secretary of internal affairs should be elected or appointed, to the constitution of the Irish Free State. Old line state politicians with weak hearts will read it at their peril.

The legislature consists of two houses; the chamber of deputies elected under proportional representation by all citizens, male and female, of at least 21 years of age, and the senate chosen in a complicated manner also under P. R. by voters of 30 years of age or over.

It is intended that the senate shall be composed of citizens who have done honor to the nation in useful public service or who, by reason of special qualifications, represent important aspects of the nation's life. To this end each university is entitled to elect two members. The other members are chosen from a panel specially prepared, the whole country forming one electoral area. The panel is to consist of three times as many persons as there are places to be filled. Two-thirds of it will be selected by the chamber and one-third by the senate under proportional representation.

The senate will be a continuous body, one-third being elected every four years for a term of twelve years. The chamber will hold office

for four years unless previously dissolved on the advice of the executive council.

The senate will have no authority other than advisory with respect to money bills, but with respect to other measures it has the right of introduction and amendment.

The cabinet, called the executive council, is designed to secure both ministerial responsibility and professional, non-political administration. This feature will be watched with the greatest interest by those who respect the cabinet system but recognize its shortcomings on the administrative side. The ministers shall be chosen by the representative of the crown, who is to correspond to the governor general of Canada. In no case shall more than seven be members of parliament. The president of the executive council, in reality the prime minister, will be selected by the chamber and he will in turn appoint the other ministers who are members of parliament. The ministers not members of parliament shall be chosen by the chamber. The political ministers will retire from office when they lose the confidence of the chamber. The non-political ministers will hold office during the life of the chamber or other period fixed by law and can be removed only by a form of impeachment.

Judges are to be chosen by the executive council to serve during good behavior. It is noteworthy that the High Court is expressly granted the power to declare a law unconstitutional. Inferior courts, however, do not have this power of judicial review.



Illinois Constitutional Convention Presents New Constitution. The convention closed its labors on June 28, when the draft of the new basic law was adopted by a vote of 55 to 0. The convention meets this month to sign the engrossed instrument, but it is not anticipated that any changes will be made at that time.

The story of the convention is a stormy one. The question of Cook county's representation in the legislature nearly wrecked it. A compromise, however, was reached finally by which her representation in the lower house is unlimited while her representatives in the senate can never exceed nineteen or one-third of the membership.

No material changes were made in the organization of the executive department.

In the organization of the judiciary a measure of real reform has been attained with respect to

unification in Cook county. The supreme court of the state is ordered to establish a civil division and a criminal division of the circuit court of Cook county. It shall select a chief justice for each division with such administrative powers as the supreme court may determine.

An opportunity for a radical change in the method of appointment of the circuit judges of Cook county is provided. One-tenth of the voters may petition for an election on the proposition that vacancies be filled by the governor from an eligible list presented by a majority of the supreme court. Each judge so appointed will hold office during good behavior except that every sixth year the voters of the county shall be given an opportunity to express their disapproval of the judges then in office. If a majority express disapproval of any judge, his office will become vacant and the vacancy filled as described above. If a majority of those voting favor this proposition it shall be declared adopted. The legislature is authorized after five years from the adoption of the constitution to extend the same system of organization to the circuit court throughout the state, subject to the approval of the voters.

A surprising measure of home rule was granted Chicago. She is given full charter making power. Her charter may provide for the consolidation with the city of all existing local governments within the city limits or of those parts within the city limits. Special and local legislation relating to Chicago shall not apply without the consent of the city. She is given power to rent, own, construct and operate public utilities. Debts incurred in acquiring or constructing income producing property for supplying transportation or water are exempt from the general debts limits.

Although the convention was instructed by the voters to include the initiative and referendum in the new document, no provision is made for them. Opposition has already developed on this and other scores, and it remains to be seen whether the constitution will be adopted when voted upon on December 12.



St. Paul's Zoning Ordinance. The city council of St. Paul, Minnesota passed a zoning ordinance on July 7. The ordinance was prepared by the City Planning Board with George H. Herrold as city planning engineer, and Ed. H. Bennett and Wm. E. Parsons of Chicago as consultants.

The ordinance provides for six use districts and four height districts, areas are made to conform to the uses all shown on one zoning map. The residential areas are divided into A, B and C residence districts. There is also provided a commercial district, a light industry district and a heavy industry district.

The material difference between A and B residence districts is that the area required per family is greater in the A district. Apartment houses are not permitted in either A or B residence districts, but are permitted in the C district. There are special provisions in the ordinance relating to: 1—the grouping of institutional buildings in order to preserve the residential character in the A and B residence districts; 2—the construction of public garages which are not permitted in the A, B and C districts; 3—the establishment of set back lines in the residential districts, and 4—the requiring of stores to take the same set back as the residence where they are permitted at certain corners in the residential areas.

There are four height districts: 40—75—100 and 150 feet. The original ordinance called for a height limit of 120 feet in the downtown business district but this was amended to 150 feet by the Council. There are provisions in each for increasing the height above given by setting back one foot in height for each foot the building is set back in the 40 foot district; $2\frac{1}{2}$ feet in height for each foot building is set back in the 75 foot district; $3\frac{1}{2}$ feet in height for each foot building is set back in the 100 foot district and 4 feet in height for each foot building is set back in the 150 foot district.

Provisions are made for amending the ordinance upon petition of 50 per cent of the owners of the frontage after review by the Board of Zoning and a two-thirds vote on the part of the Council.

There was considerable argument over the question of throwing residential areas along car lines into a business district, but this was finally accepted, incorporated in the ordinance and passed as to form on the date named June 30, and finally passed July 7th, 1922.

The field work on the St. Paul zoning ordinance began in May, 1921. A complete field survey was made to determine the use of every piece of property in the city, and these uses were noted by symbols on a new map of the city prepared by the city planning board on the scale of 500 feet to the inch. Set-backs, height of buildings, and

so forth were also determined by the survey. Upon this was built up the zoning map.

All newspapers of the city backed the zoning ordinance and the city planning board to the limit.

GEORGE H. HERROLD.

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Governor-Elect Pinchot Begins State Survey.

The day following Mr. Pinchot's nomination as the Republican candidate for governor of Pennsylvania, he appointed a citizens' committee to make a survey of the state finances with particular attention to the spending policies of the administrative departments. The last legislature appropriated at least thirty million dollars in excess of prospective income and, since the Republican nomination in Pennsylvania is tantamount to election, the next governor is anxious to have before him full information with respect to present practices and constructive suggestions to guide him in preparing his first budget.

As most of our readers know, Pennsylvania is one of the two remaining states without some form of a legal budget system. It is Mr. Pinchot's purpose, however, to prepare a budget on his own responsibility, using the information compiled by the committee he has chosen. Each department will be surveyed by an expert working under a sub-committee. The new governor will thus be acquainted with the business condition and business practices of the state. It is the kind of service with which all incoming executives should be supplied and the resulting developments in Pennsylvania will be watched with interest everywhere.

Dr. Clyde L. King is chairman of the citizens' committee and is devoting his full time to the work.

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Virginia Simplification Commission Organizes.

By call of Governor E. Lee Trinkle, the Virginia Commission on Simplification of State Government, authorized by the 1922 general assembly of Virginia, held its initial meeting in the governor's office at Richmond on July 6, 1922. Senator Julien Gunn of Richmond, who was patron of the bill creating the commission, was elected chairman and Miss Adele Clark of Richmond, president of the Virginia League of Women Voters, was elected secretary.

Major LeRoy Hodges, Director of the Budget and a member and the secretary of the former Virginia Commission on Economy and Efficiency

(1916-1918), was appointed technical advisor of the commission, Mr. John H. Bradford, budget statistician, was appointed statistician, and Mr. C. H. Morrisett, director of the state legislative reference bureau, was appointed research advisor.

The act creating the commission (Acts of Assembly, 1922, Chap. 416, p. 429-30), which was approved March 24, 1922, provides that the commission "shall investigate and study in detail the organization of the government of Virginia, state and local, also all bureaus, departments and institutions" and recommend to the general assembly of 1924 "a plan for the reorganization and simplification of all of the component parts of the government, state and local," and

the elimination of such unnecessary duplications in state and local governmental agencies as may be deemed in the interests of economy and efficiency.

The act specifically provides that one recommendation of the commission shall be confined to such improvements in the state and local governments as may be effected without constitutional amendments, while the other recommendation shall specify the changes in the constitution necessary to carry into effect the reorganization suggested. The commission must accompany its report to the general assembly with the necessary bills and constitutional amendments to carry the recommendations into effect.

II. JUDICIAL DECISIONS

Street Meetings.—In pursuance of the power granted under a general statute, the city of Mount Vernon passed an ordinance prohibiting the holding of public meetings on public streets without a written permit from the mayor. In a proceeding to determine the constitutionality of the ordinance, the court held that such an ordinance did not abridge the right of free speech or assemblage, for there is no constitutional privilege to exercise the right of free speech on the public streets in the form of a public meeting. The mayor's right to grant or withhold a permit carries with it the exercise of discretion in the discharge of a public duty, which discretion is to be fairly and impartially exercised, and if not so exercised, the persons denied the permit may obtain relief by applying to the courts.¹



Right of Council to Impeach Mayor.—The council of the city of Atlanta filed charges against the mayor, setting up certain wilful neglect of duty, and refusal to discharge the duties of his office. Under the statutes of the state, the functions of the city government were placed under the control of the mayor, the city council, and other elected officers. The statutes provided that the city council should consist of a mayor and aldermen, and that the council shall be judge of the election and qualifications of its members, and that it may expel its members. The question before the court was whether the mayor should be considered as a member of the council. The court held that the mayor is a member of the council, chief executive officer of the city and of

the executive department—a coordinate branch—and not a part of the legislative branch, and any power possessed by the city council, if it had such power, could not extend to removing him from the office of chief executive officer of the city. As a member of the council, the mayor's duties were more formal than substantial; that he was a member only in so far as pertained to his duties of presiding over its deliberations and casting a deciding vote in case of a tie. A further reason was assigned for the opinion in that certain machinery was particularly set up in the city and village act for the manner in which the mayor may be removed.²



Councilmen not Liable for Legislative Discretion.—The village of Hicksville contracted for the improvement of certain streets. Because of the stringency of the money market, it was impossible to issue bonds, and to relieve the situation the village council authorized the payment of a certain sum to a bond agent to cover the cost of expenses incurred in securing a buyer for the bonds. This payment was in violation of the law, and it is claimed that the council had full knowledge of the legal provisions, and that they thus misappropriated funds raised by taxation. The question that came before the court was whether a councilman acting in good faith, who votes for the authorization, and therefore violates a legal restriction, thereby becomes liable to the village for such sum as may thereafter be paid under the supposed authority of such voted resolution. The court held that the members of

¹ *People v. Atwell*, 103 N. E. 364.

² *People v. Dreher*, 134 N. E. 22.

a municipal council, when acting in good faith, are exempt from individual liability for the exercise of their legislative discretion in voting as such members of the council for or against any proposed legislation before them for consideration. The fact that the proposed legislation is prohibited by law does not make it any the less legislative in its nature. All persons dealing with a municipality are bound to know the limitations upon the legislative power of its legislative body, and upon subjects in excess of such power, they deal with it at their peril.³

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Assessment Basis for Limitation.—In a suit brought to annul a bond issue authorized by the taxpayers of Cedar Grove, the question was presented as to whether the constitutional limitation on the bonded indebtedness should be based on the last assessment filed before the submission of the proposition to the taxpayers for their approval or rejection, or whether it should be based on the last assessment filed before the bonds are issued? The court held that the limitation should be based on the last assessment before election. The judgment of the court was based on the ground that the taxpayer should have something definite upon which to base his vote. "If the future assessment is held to be the one intended, then a fact of importance at once becomes unknown." The belief of the court was that the taxpayer should have a definite base upon which to grant a bonding authority, and that the law should be interpreted as being based on the last assessment before election.⁴

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Powers of Health Boards Defined.—In an action against a health officer for damages from confinement in a detention hospital where the restraint of plaintiff's person was made to appear, the court held that the power to protect the public health vested by law in public health boards is to be exercised through reasonable rules and regulations duly promulgated. Whether rules and regulations of public health boards are lawful and reasonable, considering the true end in view and personal rights guaranteed citizens by the Constitution, constitute judicial questions beyond the power of the legislature to foreclose. No executive board, such as a board of health, can render its officers immune from judicial injury when a claimed unlawful exercise of au-

thority has been visited upon a citizen and redress is asked. The method adopted or exercised by an executive board to prevent the spread of a dangerous communicable disease must bear some true relation to the danger and be reasonable, having in mind the end to be attained, and must not transgress the security of the person beyond public necessity.⁵

General and Special Assessments.—By vote of the electors the city of Rulo was authorized to expend not to exceed \$13,000 for the purpose of constructing a water system inclusive of water mains, hydrants and stand pipe. The assessed valuation of the city was \$67,000. On receiving this authority the city council proceeded to let contracts for the construction of pumps, buildings and a filter plant to the amount of \$11,995. The city council then, by unanimous vote, in order to provide water mains, a stand pipe and hydrants passed a resolution, describing the entire city as a special assessment district for the construction of these projects at an estimated cost of \$30,000. By the two methods of general taxation and special assessment, the proposed expenditure would amount to \$42,000, which is approximately 60 per cent of the total valuation of all the property in the city, and greatly in excess of a 20 per cent limitation. The court held: the powers delegated to a city to construct local improvements and levy special assessments is to be strictly constructed against the city, and every reasonable doubt as to the extent of such power is resolved against the city. As all the property in the city had been included in one taxing district, and as the expenditure for the entire system was an amount in excess of 20 per cent of the taxable property of the city, the court believed that in so doing the city had violated the lawful limitation fixed by statute. The principles underlying the levy of a general tax, and the levy of special assessments is lost sight of when the improvement proposed is of such a character and of such general benefit to the entire city that all property in the city must be included within a single taxation district, so as to make the improvement possible. The obvious purpose of the limiting statute, that of giving the taxpayer protection, would be thwarted by holding that the city authorities might by special assessment covering the entire property in the city, do what they would clearly be prohibited from doing by a general tax.⁶

³ *The Village of Hicksville v. Blakeslee*, 134 N. E. 445.

⁴ *Kansas City South Railway Co. v. Hendricks*, 90 South 545.

⁵ *Rock v. Carney*, 185 N. W. 793.

⁶ *Futscher et al v. City of Rulo et al*, 186 N. W. 536..

Estimates for Improvements Need Not Be Definite.—Where a city engineer submitted to the city council in writing an estimate of the cost of a paving improvement based upon the unit plan, and also based upon the then existing freight rates upon the material to be used, with the oral information that, if the freight rates on the materials to be used should be advanced, his estimate of the cost should be correspondingly increased, and where the city council entered into contract with certain persons to do such paving

for the unit price named in such estimate, which contract contains a stipulation that if the freight rates upon the materials used should be advanced, the cost should be correspondingly increased, and, if lowered, correspondingly decreased, such contract is in compliance with the general statute, which requires that no contract shall be let for a price in excess of the engineer's contract.⁷

ROBERT M. GOODRICH.

⁷ *State v. March*, 187 N. W. 84.

III. CITY MANAGER NOTES

Politicians have developed a new method in Columbus, Ga., of showing their disapproval of city manager government. Manager H. Gordon Hinkle was hit on the head with a billy and the mayor's house was bombed, following letters which were sent to both men threatening that action would be taken against them if the "damned Yankee" manager was not immediately dismissed. Manager Hinkle's reorganization and moving the municipal feed trough out from under the noses of the gang was responsible for this attitude, which developed after his arrival in Columbus on January 1 of this year. Statements are openly made that the manager unearthed numerous leaks in the administration and systematized the administration in a commendable manner. The best citizens of the community were disappointed to learn of his evacuation after having advised the editor of the principal newspaper that he had plead with the commission for five weeks to allow him to clean house in the police department. As a result of their refusal, he states, conditions became intolerable. Mr. Hinkle was manager of Altoona, Pa., until the first of the year, at which time Altoona abandoned city manager government. It had been operating under an ordinance which a new city council repealed.

A City Manager has again taken the lead in bringing about the establishment of another co-operative forward movement in city government. What seems to be the first convention of mayors, city councilmen, and commissioners ever held in Florida, was called in May by city manager Hall of Tampa. The convention outlined a very interesting plan for mutual self-help among the Florida cities. Manager Hall was elected president. He is the fifth city manager

who is president of his state league of municipalities.

That Some Managers are leaders of men is indicated by the fact the when Manager Thompson of Phoenix resigned, the city employees in appreciation of his valued leadership presented him with a beautiful diamond set 32-degree Scottish Rite Masonic ring.

The Friends of City Manager Government will regret to learn of the recent death of Dayton's first citizen and the father of city manager government in Dayton, Mr. John H. Patterson, who was also president of the National Cash Register Company.

Numerous Interesting Articles have appeared in recent issues of the City Manager Monthly Bulletin: *Plain Business Methods Show Results in New London, Conn.*; *Results of the Recreation Movement in City Manager Cities*; *Man Wanted*; *"P. R."*; *Public Ownership*; *Is the City Manager Plan Applicable to Our Largest Cities?*

Manager Hewes of Long Beach is calling weekly meetings of department heads in order to bring about a better cooperation and coordination of municipal functions. The council is proposing amendments to the charter, which went into effect just a year ago.

The Following Managers have been called on to address meetings on the advantages of city manager government: Seavey, Koimer, Osborn, Graeser, Garrett, Hickok, Mendenhall, and Roark.

An Illinois Manager took his hat to a cleaner who ruined it. When the manager called for it he demanded the price of the hat, which the cleaner refused, but he wanted the pay for the cleaning. A little argument resulted and the cleaner sent for a policeman. When the officer arrived the city manager had the cleaner arrested, much to his surprise and he had to pay the price of the hat plus costs. The moral probably is not to do dirty business with a city manager or you may be cleaned in the long run.

Interest is being shown in city manager government in the following cities: Stockton, Calif., Northfield, Minn., Pendleton, Ore., Redfield, S. D., Kissimmee, Fla., Port Huron, Mich., Greenwood, Miss., Hillsboro, O., Harriman, Tenn., Barberton, O., Annapolis, Md., Cloverdale, B. C., Calgary, Alberta, Lakewood, O., North Platte, Nebr., Newton, Kans., Beverly, Mass., Morristown, Tenn., Harrisonburg, Va., Philadelphia, Pa., Hoquiam, Wash., San Lorenz, Calif., National City, Calif., Venice, Calif., Topeka, Kans., Independence, Coffeyville, Ottawa, Emporia, Parsons, Chanute, Garnett, Ranson, Kans., Oskaloosa, Des Moines, Ia.

The "P. R." Clause in the manager amendments to the Cleveland charter has stood the test in two courts.

The Minneapolis Charter Commission is awaiting the decision of the higher courts of California and Ohio on "P. R." before they finally decide to incorporate "P. R." in their proposed manager charter.

The Defeat of the manager proposal in Atlanta, Ga., may be attributed to three causes. First, the strength of the ring; second, the fact that the ring capitalized the unfortunate experience of the city manager in Columbus; third, city manager advocates were divided regarding their ideas as to what the city manager provision should contain.

Chase City, Va., adopted city manager plan June 1, 1922. J. R. Simons has been appointed city manager.

Eastman, Ga., adopted a city manager charter January 1, 1922 and started operating under this charter January 1, 1922. LeRoy Phar has been appointed manager.

Gainesville, Texas, adopted city manager plan by ordinance April 1922.

Marysville, Calif., adopted city manager plan by ordinance July 10, 1922. J. O. Wanzer has been appointed city manager.

Peru, Ind., voted on this question June 13, 1922. The votes cast were 24,013 against the charter and 417 for the charter. Less than half of the vote of the city was cast.

Existing Manager Cities which have previously not been listed are: Devol, Okla., Max L. McClure; Gainesville, Fla., G. H. Cairns; Tulia, Tex., C. R. Walters; Grandfield, Okla., George Hoefler.

The Policies of City Manager Government in Long Beach and Pasadena, Calif., and Wheeling, W. Va., have just been endorsed by the people by their voting enormous bond issues for municipal improvements.

The Incumbent Administration has just been given a vote of confidence by re-election to office of all the commissioners in the following cities: Mansfield, Mass., Muskogee, Okla., Norfolk, Va.

Lakeland, Fla., voted on a new manager charter August 1. Several years ago Lakeland employed a manager by ordinance, and later dispensed with him, returning to the commission form.

Marysville, Calif., has had what they called city manager government since 1919, but has not been listed. Beginning July 10 a new manager took office, who has been given broader powers by the council.

New Appointments.—The following new appointments have been reported: Wilbur M. Cotton, Ashtabula, O. (former manager of Edgeworth, Sewickley, and Ambridge, Pa. This registers the fifty-second promotion of city managers); former City Clerk T. J. Pedler, Muskegon Heights, Mich., \$2750; Anton Schneider, Bartow, Fla., \$3000; J. D. Whitfield, Terrell, Tex., \$2400; B. H. Calkins, Albuquerque, N. M., \$3600; W. C. Foster, Phoenix, Ariz., \$7500; C. A. Bratton, Brownwood, Tex.; Harry S. Starr, Birmingham, Mich.; J. R. Simmons, Chase City, Va.; E. E. Lothrop, Mansfield, Mass. (This is the twenty-third case of subscribing

members of the City Managers' Association stepping into the active ranks); L. E. Orford, Clovis, N. M.; C. J. Manning, Sapulpa, Okla., \$4800. (This is the fifty-third promotion of a city manager); Lon Barringer, Charleston, W. Va.; L. G. Garretson, Yale, Okla.; C. R. Walters, Tulia, Tex.; E. I. Jackson, San Angelo, Tex.; W. B. Hodges, Daytona, Fla., \$4500; T. V. Stevens, Excelsior Springs, Mo., \$4000. (This is the fifty-fourth promotion of a city manager); George W. Perkins, Mexia, Tex.; H. J. Bradshaw who was succeeded by H. D. Wade, now succeeds him as manager of Stamford, Tex.; John W.

Ballew, after a two years' vacation, is again manager of Hickory, N. C. He was the seventh manager to enter the profession. His son, R. D. Ballew, is manager of Sturgis, Mich. So far as is known this is the only case of father and son being managers at the same time. Oscar Dobbs, Nowata, Okla. (This is the fifty-fifth promotion of city managers); B. H. Crawford, Columbus, Ga., \$8000; J. O. Wanzer, Marysville, Calif.; F. R. Harris, Escanaba, Mich., \$6000. Two more assistant city manager appointments have been reported. H. G. Schutt, Bluefield, W. Va. and Walter Barber, Long Beach, Calif.

IV. MISCELLANEOUS

The Tribunal of Justice.—The Arbitration Society of America, organized to promote arbitration of disputes without recourse to a formal trial, has set up a Tribunal of Justice in New York which heard its first case last July. This case presented a complicated little partnership wrangle and was one of those disputes that might drag through the courts for years, piling up expense and engendering bitterness. But in this new court, before a well qualified arbitrator able to weigh and appraise the evidence presented by both sides, the misunderstanding seemed to melt away.

The outstanding feature of the trial was the way in which the procedure was stripped of the old embarrassment of legal technicality and red tape. The manner in which the facts were gleaned and the decision rendered was most gratifying.

No summons, complaint, answer, demurrer or other pleadings were required. The arbitration agreement set forth in five or six lines the point at issue, and both disputants proceeded to the improvised courtroom in the Lawyers' Club to present their testimony before Alexander Rose, an associate of Judge Moses H. Grossman, who was agreed upon as arbitrator.

Under the method adopted at the trial the taking of all the evidence in the case on both sides occupied one hour and fifteen minutes. Each party waived the taking of an oath by the other, and the mode of adducing testimony was to permit each of the parties to proceed in a conversational manner without being obstructed by technical objections or nonplussed by subtle cross-examination.

Full authority for the new Tribunal of Justice is found in the Arbitration Law of New York,

amended in 1920. Stripped of its legal phraseology, this statute provides substantially as follows:

1. Excepting in a small class of specified actions, two or more persons can agree in writing to submit any actionable difference or controversy to arbitration, and such written agreement to arbitrate is binding and irrevocable.

2. An arbitrator may be any person selected by the parties, and such arbitrator is endowed by the statute with power to subpoena witnesses, compel production of books and papers material to the issue, and, in almost all essential respects, to exercise the same authority with which a judge is clothed in the conduct of a trial.

3. The award of an arbitrator, upon the application of either party to the proceeding, will be confirmed by the court and will then become, and will be enforceable, as a judgment of that court.

4. The award of an arbitrator is final and will be vacated by the court only if procured by fraud, corruption, misconduct or excess of authority by the arbitrator.

The Arbitration Society is conducting a campaign to have enacted a uniform arbitration law in every state.

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A Loan Slide Library.—The Buffalo Society of Natural Sciences, incorporated in 1863, is setting a 1922 example. It has established a visual education department where 35,000 lantern slides, arranged in some 700 lecture sets, are loaned, together with the text of the lecture and the lantern to members or those vouched for by members. Last year 354,599 slides were loaned. In the month of March alone 999 lecture sets were circulated or an average of 33 lectures every day including Sunday.

The catalogue of slides covers the art of all nations; biography, such as slides of Washington, Lincoln, Lowell, Shakespeare and others; history; cities of the United States; the United States possessions; scenic United States; literature, which visualizes famous books such as Sir Launfal, Ben Hur, Pilgrim's Progress, Evangeline, Ivanhoe and Hiawatha; Americanization; Buffalo city; juvenile slides illustrating children's stories; Biblical slides for churches; geographical slides of the United States and New York state; agriculture; foreign travel; natural history; commercial and industrial slides.

The travel lectures, as might be expected, are the most popular. The charming colored slides of the Grand Canyon and the Yellowstone are called for more often than any others, but the city planning slides prepared to aid in the popular understanding and appreciation of Buffalo's city plan, have been used on frequent occasions.

The Association for its museums, public lectures and visual education department receives annually a popular support in dues of some \$20,000, interest from permanent invested funds of \$6,500, from a revolving fund \$5,500 and from the City of Buffalo itself \$30,000, making an annual income slightly in excess of \$60,000. This year the city has appropriated \$40,000 for the Society.

The loans are made for 48 hours, Sundays and holidays not included, with a penalty of 25 cents a set of slides, one dollar for the lantern and one dollar for the manuscript for each day material is kept beyond this period.

HARLEAN JAMES.

✱

The Cost of Government, City of Detroit, is the subject of the July issue of *Public Business*, published by the Detroit Bureau of Governmental Research. It analyzes and compares sources of revenue, the object of appropriation and the purpose of appropriations. It also summarizes the budget showing items of fixed charges, operation and maintenance, capital costs and deficits.

The current year's budget is 3,500,000 dollars larger than last year, the assessed valuation is 100,000,000 dollars greater and the tax rate has increased 38 cents.

✱

State Budget Systems is the title of a report just issued by the Research Bureau of the Pennsylvania State Chamber of Commerce. Pennsylvania remains one of the two states

without a formal budget system. The report describes present financial methods in that state and outlines the budget systems of other states with a compilation of opinions as to their effectiveness.

✱

The Illinois Chamber of Commerce is conducting a referendum on the question of whether cities of more than 5,000 population should be free to adopt city manager government. Cities of less than 5,000 already have this privilege.

✱

The Union of Canadian Municipalities held its twenty-second annual convention in Winnipeg, August 8 to 10. Municipal finance, hydro-electric systems, good roads and public health were the prominent subjects on the program. W. D. Lighthall, K. C., a vice-president of the N. M. L., was the organizer and for years the secretary-treasurer of the Union. The present secretary is A. S. Shibley, Montreal.

✱

California Wants Executive Budget.—Lieutenant Governor Young of California is advocating an executive budget. He wants the governor to be responsible for the "financial picture" and is supporting the budget amendment to the constitution drawn by the Commonwealth Club of San Francisco.

✱

Richard B. Watrous has recently accepted the position of general secretary of the Providence (R. I.) Chamber of Commerce.

✱

Buffalo Adopts City Plan.—In June the city council of Buffalo, by a vote of four to one, adopted the city plan which has been prepared. By a unanimous vote the Niagara Square site was chosen for the civic center.

✱

Palos Verdes a New Suburb.—Los Angeles is to have the most extensive piece of city planning ever undertaken by private enterprise for permanent development. 16,000 acres (25 square miles) including 14 miles of ocean front will be laid out by Olmsted Brothers, Mr. Cheney and others. A fund of \$35,000,000 is being underwritten on a nation-wide plan.

✱

Mariemont, a Garden City.—Dr. John Nolen announces the establishment of Mariemont in the Cincinnati district. The plan covers 365 acres. The community will be self-contained.

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COMMENT

The people of California will vote in November on a proposed amendment to the constitution giving the state railroad commission exclusive power to grant franchises to street and inter-urban railways.

✱

The Republican ballot in the recent primary in the St. Louis district was a narrow strip six feet long. Is it fair to blame the primary if poor candidates are nominated?

✱

We are glad to announce that Mr. Paul B. Wilcox has consented to become associate editor of the REVIEW in charge of city manager affairs. Mr. Wilcox is secretary of the City Managers' Association. His address is East Cleveland, Ohio.

✱

An Institute of Public Administration has been organized in England. In it are united for the first time the civil servants (*i.e.*, national government servants) and the local government officials. Lord Haldane is a vice-president. The purpose of the Institute is to develop public service as a profession by the study of public administration. A quarterly journal will be published and series of lectures arranged extending to several of the larger cities.

Sufficient petitions have been collected in Dayton, Ohio, to bring about an election on a return to the mayor and council plan of government. The proposed charter calls for the election of a mayor, vice-mayor, auditor, treasurer, city solicitor and twelve councilmen elected by wards. It is generally believed, however, that city manager government has nothing to fear and that an election will be effective in silencing some persistent kickers. The election will probably come in November.

✱

During the first half of the present fiscal year the division of public works of New Orleans exceeded its budget in repairing the admittedly bad streets inherited from the previous administration. The finance commission now proposes that other departments which are ahead of their budgets contribute to the maintenance of the streets. This the directors of the departments refuse to do and there have been sharp words about "inefficient management." The situation illustrates the grievous limitation of government by commission. Proper centralized planning and supervision is lacking, and the people of New Orleans will have to get over the broken-down streets as best they may.

*Out Again
In Again*

Life has not been dull for city manager government in Stratford, Conn. As recorded in our May number, the city council without previous warning voted to oust the manager, R. H. Hunter, the specific charges being that he had ordered two ash cans before signing the requisition therefor, and by ordering a coal bin filled, had bought seven tons of coal when he meant to buy but five. At once the indignant citizens petitioned for the recall of the councilmen who had voted to discharge Mr. Hunter. Efforts on the part of council to prevent a recall election were frustrated by appeal to the courts, and at the subsequent election five councilmen were recalled and replaced by those favoring the manager form. The new council quickly invited Mr. Hunter to return to Stratford, so after an enforced vacation he is back on the job. The story has all the dramatic qualities of a movie scenario.

✦

*People Approve
Nebraska Code*

In the Republican gubernatorial primary held in Nebraska during the latter part of July, the administrative code adopted in 1919 was the main issue. For almost four years the administrative organization set up by the code has been the subject of attack by certain members of the legislature and others within the state. Three candidates ran in the primary. Mr. Byrum, a member of the house, stood for the repeal of the code and the consolidation of the work of the six code departments with the constitutional administrative offices. Mr. McMullen, formerly a member of the legislature and a candidate for nomination against Governor McKelvie two years ago, was not favorable to the continuation of the code organization. Mr. Randall, a member of the state senate, was a consistent supporter of the code.

The results of the primary show that the people of the state, at least those that voted the Republican ticket, are in favor of maintaining the code organization. Mr. Randall was nominated for governor over Mr. McMullen. Mr. Byrum ran a poor third; in fact, he got only one vote in every ten cast at the primary.

A. E. B.

✦

*Are Postmasters
Under Civil
Service?*

It will be remembered that President Harding by the executive order of May, 10, 1921, continued the co-operation of the civil service commission in the selection of presidential postmasters but with modifications upon the earlier Wilson order to provide that the first three on the list should be eligible instead of the highest man only. It now transpires that the postmaster general is soliciting the recommendation of congressmen as to which of the three eligibles he shall appoint. "Other things being equal," writes Dr. Work, "we send to the president the name of a Republican, if there is one on the list." The reason for this, continues the postmaster general, is that the president may be surrounded by friends and well-wishers and not by persons in pivotal positions who would put snares under his feet. He also observes that for the president to limit himself to the appointment of the first on the list, prepared by his own civil service commission, would be a surrender of his constitutional right to appoint. Surely the postmaster general needs better advice on constitutional law than he has been getting.

The president, surrounded by well-wishing postmasters, is a picture to gladden the heart of any politician. Think of all the political work he can get out of them. Yet as a matter of fact, the necessity of postmasters in

political sympathy with the president so that his key men will be "sympathetic" is mere buncombe. What is required is a professional attitude towards their work and freedom from political obligations. Mr. Foulke, writing to Dr. Work, scores when he states that the solicitation of advice from congressmen with reference to appointments is a blunt warning to members of other parties not to compete. In fact such practice would be illegal if such postmasterships were among the positions regularly classified under federal statute.

There is a popular impression that postmasters are selected under the merit system. We wonder if it is true.

*

*A Standard
Zoning Act*

Mr. Hoover's Advisory Committee on Zoning

has reported a standard zoning enabling act for adoption by state legislatures. The committee points out that even in home rule states the courts have set aside zoning ordinances on the ground that the city had not been granted specific power to do that which zoning implies. No constitutional amendment is necessary but an enabling act is important. A prominent feature of the model act is a board of adjustment to review the orders of administrative officials charged with the enforcement of the zoning ordinance. To upset such an order, however, concurrence of four of the five members of this board is necessary. The zoning ordinance, once adopted, may be modified by simple majority vote of the city council, but should twenty percent of the property owners directly affected protest such change, the concurrence of three-fourths of council is necessary.

The scope of zoning is defined as the regulation and restriction of "The height, number of stories and size of

buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and the use of buildings, structures, and land for trade, industry, residence or other purposes."

The purpose of zoning is admirably defined in the act as

Regulations made in accordance with comprehensive plan and designed to lessen congestion in streets; to secure safety from fire, panic and dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

The nation is deeply indebted to Mr. Hoover for this advisory committee which has displayed unusual energy in the cause of zoning. A supplementary publication dealing with zoning ordinances is forthcoming. The League's representative of this committee is Nelson P. Lewis and J. Horace McFarland represents the American Civic Association.

Copies of the standard enabling act can be obtained free of charge from The Division of Building and Housing, Department of Commerce, Washington, D. C.

*

*The Conference
Committee and
the Tariff*

On September 13 seventy-five Democratic congressmen joined with 102 Republicans in a motion to recommit the tariff bill to the conference committee which had reported it, with instructions to strike out the dye embargo provision and to place fertilizer potash on the free list.

The conference committee is an old device for ironing out differences between the two houses regarding a specific measure. While the practical advantages of such a committee as a means

of reaching an agreement are obvious, several harmful features are present. Such committees always work in secret. Their reports usually reach the houses towards the close of the session when members are tired of the subject and the congestion of bills is great. From the nature of the case, these reports must be accepted or rejected *in toto* and to recommit means long delay. It is seen therefore that pressure is all in the direction of the adoption of the report.

What we have in fact is a miniature legislature.

Although the rules or precedents of both houses compel a conference committee to confine itself to the differences submitted to them, the constant tendency is for the managers to inject wholly new matter into their reports. Time and again conference reports have been rejected by the speaker because the conferees transcended their powers, on the other hand such reports have been received. Obviously the power and menace of the conference managers is thereby increased to the danger point.

In this particular conference committee, congressional "efficiency" minus responsible leadership displayed a threatening aspect. The Democratic conferees, although duly appointed to the committee, were excluded from its deliberations.

The dye embargo, which the committee reincorporated in the bill, had been considered and specifically rejected by both houses. The introduction of new matter by the powerful conference committee, itself contrary

to the rules, may be defended on occasion, but it is raw usurpation for it to cover in propositions which the two houses have each voted down. Fortunately, 177 congressmen had sufficient pride in themselves as members of a self-determinate legislature to resist this last display of hidden power.

Once more has been demonstrated for us the terrific gap in our political philosophy which blithely omits machinery for responsible legislative leadership. We still like to think of congress as an august cross-roads debating society where everyone speaks with respectful attention from the others. We hate to think that congress debates, not for purposes of deliberation, but to attract newspaper attention back home. We hate to think that power in legislation gravitates to the few who, by reason of personality and experience, steer congressional action; in other words, give congress a direction. But such is the case. The speaker, the rules committee, the majority leader, two or three important committee chairmen run things. We as private citizens are only beginning to hold them to a degree of responsibility, and this responsibility cannot be clear cut because the leaders are too hard to get at and because their power comes from hidden sources.

Thus the conduct of the conference committee on the tariff appears as a natural development in a congressional system adapting itself to a new and more complex environment. We don't have a fair chance to choose our leaders.

COUNTY MANAGER CHARTER DEFEATED IN SACRAMENTO

BY IRVIN ENGLER

Sacramento, California

Although the proposed charter retained on the elective list numerous administrative offices in conjunction with a large and representative board of supervisors, the voters declined to adopt it. The old-fashioned county, said they, may need a little patching up, but nothing so radical as this. :: :: :: :: :: :: ::

FOURTEEN thousand voters of Sacramento county, California, expressed a willingness at an election on August 29 to take the step which would have made this the first county in the United States to have the manager form of government. However, 17,674 voters were of an opposite frame of mind, so Sacramento county will continue under the method whereby the heads of all branches of the government—legislative, executive and judicial—are elective.

In view of the fact that the people of the city of Sacramento recently adopted the city manager form by a vote of more than five to one, and the additional fact that the new method is generally regarded a success by Sacramento taxpayers, the result of the movement for a county manager charter would seem a surprise but for the peculiar features of the campaign which preceded the election.

The county manager charter, as drafted, was essentially the same as the city manager charter which appears to be quite popular with the people of Sacramento; it embodied the salient points of the manager plan, proposing to centralize authority and responsibility in a single executive. The board of freeholders, which drafted the charter, was a fairly representative body of citizens, headed by a well-known physician.

OPPONENTS GOT THE JUMP

It would seem that such a situation would tend to bring the force of popularity behind the movement, and for a time it appeared that public sentiment was so inclined. Those sponsoring the move, however, made the mistake of not having an effective organization to carry their message to the voters. "The city manager charter went across easy; the county manager charter should do the same," appeared to be their attitude. Meanwhile the opposition was decidedly active. County districts vigorously opposed the charter, taking the stand that under its provisions they would not be adequately represented in the legislative body of the county. The force of their opposition added to that of incumbent county officials who just as vigorously attacked other features of the charter, made the opposing army a very formidable one. Moreover, the opposition made a strategic political move; it beat the other side to the punch, so that when the forces favoring the charter awakened they found themselves on the defensive, with the remaining time so short that they could not recover. At no time did the county charter proponents have an organization to compare with that which carried the city manager charter to success. Perhaps the

most peculiar feature of the campaign was the fact that the newspaper which opposed the city manager charter supported the county charter, while the newspaper which strongly supported the city manager movement was just as pronounced in its opposition to the county manager charter.

ARGUMENTS—PRO AND CON

The principal points raised in objection to the charter were:

First, the usual objection to the manager plan that "it gave too much power to one man."

Second, that it was an "experiment."

Third, that the method of selecting juries, as proposed in the charter, was a "lottery."

Fourth, that the county treasury would be transferred to private hands.

Fifth, that country districts would not be fairly represented.

The first two points were answered by pointing to the city manager method as operated in Sacramento.

In answer to the third, it was declared that even the "lottery" system would be preferable to the present "political method of hand-picked juries."

It was pointed out, in reply to the

fourth point, that the city government for a number of years had successfully followed the plan of having a bank official act as treasurer at a nominal salary.

To the fifth, it was held that the proposed method of nominating members of the legislative body by districts and electing them at large was preferable to the present method of nominating and electing them by districts.

The chairman of the board of freeholders which drafted the proposed charter declared, on the day following the election: "The charter was defeated through the misrepresentations of people interested in keeping their jobs."

The newspaper which opposed the charter, commenting on the defeat declared: "The charter did not originate in any general popular demand; the voters are not yet ready to bestow greater powers upon an official whom they could not select than upon their elective officials; the defects that do exist in our county government can be remedied without revolutionizing the entire system." This probably represents the attitude of a great many people in the United States with respect to county government reform.

HOW THE CITY MANAGER PLAN WAS DEFEATED IN ATLANTA

BY ELEONORE ROAUL
of the Atlanta Bar

Political machinations united with irregularities at elections to defeat C. M. government in Atlanta. The majority, however, was only 1,000 out of 14,000 and manager advocates are not downhearted. The fight was led by the women. :: :: :: :: :: :: :: ::

ABOUT fifteen years ago Atlanta voted upon and defeated the commission form of government two to one. Since that time there has been continual talk of charter revision with one or two spasmodic and abortive attempts. In the city elections of 1921 there was considerable talk of a new charter and the League of Women Voters sent a question relative to charter change to every candidate and received his written answer. Out of the eleven elected (one-third of council) nine answered the question favorably and this turned political thought somewhat in the direction of a new charter.

MAYOR'S COMMITTEE TO FORESTALL CITY MANAGER

At the first meeting of council in January 1922, Mr. Edgar Watkins, a newly elected councilman, introduced a city manager charter which he had worked upon for several months. The council for the purpose of defeating this charter instructed the mayor to appoint a committee of citizens and councilmen to report on a proper charter for Atlanta. The mayor was most astute in the appointment of the citizens on this committee, selecting some in whom everyone had confidence as sound thinking, non-political men and women, but in no case choosing anyone with any knowledge of city

government or of much independence of thought or of action. The committee, in good faith and without realizing the full import of what it did, acted exactly as the mayor wished.

When the mayor's committee announced that it would report a charter embodying the federal form of government, the League of Women Voters came out for the Watkins' city manager charter. For a year the League had carried on an educational campaign on city government, espousing no one form, but perfecting an organization through which it hoped to be able to acquire a new charter though it did not expect to be plunged into a campaign at quite such an early date nor to take the leadership. When the League endorsed the city manager charter there was not one reason to believe it was fighting anything but a losing battle but it acted in the belief that permanently to better politics there must be some organization which would work for the very best interests of the community regardless of what would seem at the moment expedient or politic.

COUNCIL FORCED TO CALL ELECTION

It was evident through interviews with all of the councilmen that the council was unwilling to submit the city manager charter to a vote. But

finally under the pressure of petitions being circulated demanding an election, council voted to hold an election on May 16 and submit to a vote three charters, the present one amended; the federal form, reported by the mayor's committee; and the Watkins city manager charter. Public opinion soon forced council to provide also for a "run-off" election two weeks after the first in the event that no one charter received a majority of the total vote.

It soon became evident that the business men as a whole were going to vote for the federal charter because of the business men on the mayor's committee. Some were intimidated into expressing no opinion at all and prevented from giving help to manager campaign. There were, of course, a number of men (especially toward the end) who gave money and made speeches for the manager charter but no group could be gotten together to do active work or planning. The fact that the women were leading the fight and that business men espoused the other charter made it easy to ridicule the men who favored the manager plan. One ardent supporter was asked when he began to wear petticoats. On the other hand some were found who reasoned that the women were right because they had nothing to gain personally.

Two elections were necessary, since none of the three proposed charters received a majority at the first. In the first election the old charter ran first and the manager charter second. In the final election two weeks later the old charter won by one thousand votes out of a total of 14,000.

THE ELECTION VERY IRREGULAR

The election was to be conducted along regular city election lines. To such little attention is ever paid owing

to the fact that city elections are generally only a ratification of the primary which is in the south the real election. There were many irregularities on election day, and the city attorney ruled that for most of them there was no redress. Clerks and managers marked the ballots for voters when so requested (in one instance the city manager representative found the clerk marking the ballot differently from that directed by voter and when called to account he corrected the "mistake"). There was absolutely no privacy for the voter. He had to mark his ballot at the polls with any number of people about him and this proved a most serious handicap. After the first election many of the polling places were changed but notice was not given until two days before election. The most flagrant case was in a large ward which was solidly for the manager plan and where the polls had been in one place for more than twenty years. Workers for the federal charter in the first election and for the old charter in the second had marked ballots outside the polls in the negro districts and got practically every negro vote. It was an interesting fact that the mayor was espousing the side in each case where the ballots were thus handed out. The night before election and on election day false rumors carrying great weight were circulated among the negroes. On the day before the second election a leaflet saying that the manager government would put them back into slavery was scattered broadcast. It should be stated, however, that many of the negroes of the more intelligent class did vote for the manager in the last election. The total negro vote was not large.

An important factor in the result was that the street railway was working for the old charter but positive proof of this fact did not come out until two days

before the final election. For this reason sufficient publicity could not be given to it to turn the tide as might have been possible if known sooner. All the employees of the railway apparently voted and voted against the manager plan.

Two other factors worked considerable against the new charter. The ballots were worded in a way most favorable to the old charter. And double voting was easy owing to the fact that every ward had two precincts

and all voters were allowed to vote in either precinct they chose. This, however, is a usual custom. The managers are supposed to meet immediately after the election and check the lists but this was not done as far as could be discovered.

In spite of all this, however, there were many things about the campaign that were encouraging and there is no question but that the charter fight will be pursued and that next time victory will be achieved.

FUTURE STATESMEN

THE POLITICAL AMBITIONS OF COLLEGE STUDENTS

BY MARGARET BYRD

Do our college men and women, in securing their training for professional or business life, leave their preparation for the great tasks of intelligent citizenship in our democracy to mere chance?

I

Some light may be thrown on the subject by a test recently held in a class of sixty-four students who were sufficiently interested in politics to have elected a course offered at Swathmore College in "American Political Parties and Party Problems." The class consisted of thirty-four young women ranging in age from seventeen to twenty-three years, the average being nineteen years and six months, and thirty young men of from seventeen to twenty-five years of age, averaging twenty years and four months. Of these students only two were members of the freshman class, while the other classes were represented by approximately equal numbers, the number of men and women from each class being about equal also. The students were

asked without warning for a written statement covering about ten minutes time and answering two questions, as follows:

(1) What political ambitions or activities have you in mind for your life after graduation?

(2) What advice have you received on this subject?

In twenty-nine cases the women's answers to the first question are definite on the matter of intelligent voting as the duty of a citizen, while in the other five instances the intention of performing this duty is implied. No doubt the newly won suffrage is responsible for this emphasis. The men's answers are less definite with regard to voting, mainly, however, because they take the use of the ballot for granted and hasten on to more exacting political duties. The two young women who are otherwise opposed to political activity on the part of members of their sex, nevertheless mention their purpose to vote intelligently. The only young man who seems to have any doubts as to his future with respect to this primary

political function—and they are introduced by his belief that the profession of medicine will occupy his full time—says, “I feel it to be the duty of every man, *if he can possibly find the time*, to vote intelligently every time the opportunity offers.” Party membership, usually active, was mentioned by thirteen women and twelve men, and acceptance of jury duty by two women and one man. Beyond this the answers presented, in general, vague or indefinite goals. Perhaps their range can best be shown by a table:

| <i>Ambitions Expressed</i> | <i>Women</i> | <i>Men</i> |
|--|--------------|------------|
| Reform club activity | 8 | 3 |
| Specifically to “bust bossism” . . . | 0 | 3 |
| Election officials, work as | 1 | 0 |
| Local office—indefinite | 3 | 3 |
| Borough or city council | 1 | 2 |
| School board | 11 | 1 |
| Public health board or office | 1 | 0 |
| Mayor | 1 | 2 |
| Civil service | 7 | 3 |
| Military service (National Guard) . . | 0 | 1 |
| Consular or diplomatic service | 2 | 5 |
| District attorney | 0 | 1 |
| State legislature | 0 | 3 |
| House of Representatives | 1 | 5 |
| Senate | 0 | 1 |

II

The general attitude toward these ambitions on the part of the women is much less concrete than that of the men, and the range of offices is restricted in general to those requiring only part-time service (*e. g.* reform club and school board activities)—which would not interfere with home duties. Some men and fewer women have determined upon their vocations. In most of such instances a direct correlation between this vocation and the political ambition, or lack of it, is apparent. Thus, a future doctor plans to enter the public health service. The only young man who expects to teach states “school board or superintendent” as his ambition, while the professional

bias of several young women is so represented. One future lawyer hopes to become district attorney, while another has chosen the profession of law because he feels that through this medium he may realize his aim—entrance into politics. Another young man, a senior, reflects the attitude of the men who are looking out for “next year’s job” by having applied for examinations for entrance into the consular service. He is the only member of the senior class here represented who has planned for a definite, full-time, political position.

Practical motives have a great deal to do with the relative dearth of political plans. In one instance particularly is this noticeable, that of a sophomore man, a major in the department of political science, who says that “Earlier intentions toward a political career have been dampened by financial considerations, and the belief that the temptation to supplement an otherwise too small income by questionable methods outweighs the advantages and interest attached to such a career.” The same young man is much interested in the consular service, but will probably reject it also, because of the inadequate financial return.

The motive of reform occurs widely and occasions much of the desire for political activity. Three men pledge themselves to political efforts to “clean out bossism” in their home towns. One of these young men, whose dominant interest is in law, would emerge from private life, fight for the office of mayor, and hold that office, if possible, until reform was well under way before returning to his practice.

The words of another young Lincoln from the same town are worth quoting:

My political ambitions are limited. They are limited, and yet they are very great. I want to help get the dirty gang which is in control of D— County and the City of C— by the throat and not stop squeezing until the last

spark of life is extinct in them. I don't mean merely the so-called "system," I mean the entire Republican organization in D—— County.

A young woman in the class finds the motive of reform strong enough to take her back to the town in which she formerly lived to "make a clean-up." Others are interested but have plans less clear. Reform causes many an otherwise relatively uninterested student to consider politics as an avocation. Youthful idealism? Yes, but it is one of the most hopeful signs brought out by the whole analysis.

If we may, for lack of more comprehensive data, take this class as typical of any four consecutive classes, it may be assumed that interest in citizenship problems, to some extent at least, is responsible for the attendance upon this course of approximately half the students who pass through the college in four years. Of these we find that practically all accept the obligations of the citizen to vote—though here we must make some discount for those who answer with "voting" because no political ambition has occurred to them before, and the ballot is the most readily thought of on the spur of the moment. We find the large majority of those whose ambitions are for more definite political service wish to combine political activity as an avocation with some other business or profession. Only the very few—fewer than those electing medicine, teaching, engineering, or almost any other profession—are preparing for statesmanship as a life work. Of the future statesmen, one man plans to enter the consular service, one orients his studies to his desired political career, and one, if he continues with the profession of law, sets a district attorneyship as his goal. The others become less and less clear-cut.

Why is this? Is it because of the uncertain, popular-choice element in the politician's career? Is it modesty,

apathy, or absolute dislike of political life and unwillingness to struggle against corruption? Perhaps the character of the advice or influence referred to by the thirty-two women and twenty-nine men who answered the second question will shed some light on the underlying causes of the indefiniteness of political ambitions.

III

Nine women and four men say that they have received no advice whatever. In all but eleven instances among the women, the advice was very indefinite, or was merely in the form of influential example. Of the eleven, only four had received what might be called positive advice. The others were told, in general, "Politics is a dirty game. Keep out of it." Much of the indirect influence was of the same character. In the thirteen cases of definite advice to the young men, five answers and half of the sixth and seventh stated that negative advice was received. In all but one of the instances the reason given was "corruption."

The advice or influence by example which has been effective in filing or restraining the ambitions of twenty-three women and twenty-six men, had for its sources the families of fourteen women and eight men, and the friends of several others. Future professional associates account for the advice or influence effective with one woman and five men, while school teachers and college professors figure in the answers of but two women and five men. Among the men there are four cases in which a politician or a bit of political activity has made a definite impression. Only two women have been affected by such influences.

Figures are but an insignificant index to the character of the advice received. A few of the more interesting examples give a better indication. One young

woman, for instance, sees in the local school board an excellent opportunity for service—"though the one woman on our school board is a holy terror and has all the men under her thumb." Her father is more interested in politics than the average parent, but of her older brother's attitude she says, "When a woman ran for assembly this year, and distributed cards with her picture on them, he informed me of what I would get from him if I ever did anything like that."

The young woman who hopes to exercise political influence through journalism, has been told that it would be "rather impossible" for a person of her type to have much influence, because those who do not understand are easily swayed, and "newspapers and politics are so crooked that only a pretzel or a corkscrew mind could adapt itself to them." Her advisers would be strengthened in their position if they could cite as proof of the latter point the gem picked up by a young man of the class from a gang politician in a campaign last fall. He gives it as typical of the advice he has received,— "It's not a crime to be corrupt; it's a crime to be found out."

The father of one young man, himself engaged in politics, advises his son to keep out, while the example of another father in holding school board and other "minor offices," is the genesis of the ambitions of his son to hold similar positions, and of his vague dreams culminating in a senatorship.

One man had visited his state legislature in company with schoolmates in behalf of a high school fraternity whose life they wished to save. He had the floor at a committee hearing for a few

minutes and was afterwards urged by a member of the House to "stick to it (political life). It keeps you younger than anything else." From observation he was inclined to agree. Another young man received similar advice from an ex-congressman. Of a somewhat different character is the statement of a young woman who says that, in conversation with a district attorney, she had presented to her a picture of the politician's life as "interesting, but not entirely honest."

The kindly old gentleman who says to the son of his host as he takes his departure, "And this young man may someday be president of the United States—I shouldn't be a bit surprised!"—This gentleman does not appear, either in the guise of an adviser, nor in the ambition of a single student to become a resident of the White House. Perhaps his genial figure is disappearing from American life, and these students may never have heard the suggestion of presidential possibilities seriously or jokingly referred to in connection with their careers. No doubt there is a large element of natural modesty which prevents students from dreaming of the presidency, or at least from confessing to such dreams.

In a survey of sixty-four hastily written papers, only the dominant in the minds of the writers, or the "inspirations" of the moment will stand out. It is noteworthy, then, that while only political ambitions are asked for, the definiteness in the mention of other professions contrasts strongly with the vagueness of the stirrings of political ambition. Yet that these stirrings are present, even in nebulous form, is a hopeful sign.

INCREASING ACTIVITIES AND INCREASING COSTS

BY LENT D. UPSON

Director, Detroit Bureau of Governmental Research, Inc.

*Municipal expenses are increasing faster than population.
But consider the expansions of municipal functions and
improved administration of old activities. :: :: ::*

TAXATION and prohibition threaten to monopolize dinner table talk. There are ample reasons for interest in the former, since its effects are impressive and means of escape are yet to be suggested. For example, Prof. David Friday has pointed out that in Michigan, the national government took \$7,000,000 in internal revenues in 1911 and \$272,000,000 in 1921; and that city taxation during this period increased from \$12,000,000 to \$49,000,000. During this same period Detroit's tax budget increased from \$7,000,000 to \$40,000,000 and the net debt from \$8,000,000 to more than \$100,000,000. In the decade from 1900 to 1910 while the city's population a little less than doubled, tax collections doubled, as did the debt. In the decade following, population doubled again, taxes were multiplied by five, and the debt by ten or fifteen.

The average taxpayer charges the increased cost of local government during these years to the unprecedented undertaking of new activities,—to frills and fads,—“the constant and increasing pressure upon government to undertake more and more and to leave less and less to private initiative and responsibility,” to quote a recent editorial of the *New York Times*.

This pressure on government to increase expenses faster than population perhaps has its origin in the fact that this generation has seen the com-

mon use of steel for construction purposes; the adaptation of electricity to lighting, manufacturing, and transportation; and the development of the automobile, and particularly the heavy truck.

To be sure, there were big cities before these inventions, but not complex and expensive cities. Sky-scrapers, loft manufacturing, and rapid transit have required high pressure fire protection, traffic control, safety engineering, and more police. The automobile, and particularly the truck, have brought more traffic control, streetwidening, and heavier pavements, plus new efforts by the health and police authorities to check the spread of disease and crime that this form of rapid transportation facilitates. Also when the mechanic rides in his own jitney and enjoys necessities that were luxuries a generation ago, he is not adverse to the city building parks and boulevards, lighting streets, and providing free education equal to the best that can be obtained privately. With these higher standards of living has come apparently a finer concept of social justice as seen in supervised playgrounds, free clinics, regulated commercial recreation, better prisons, more adequate disease control, and unemployment relief.

How far is this recent progress responsible for the extension of city activities and expense? For at least a

partial answer the Detroit Bureau of Governmental Research has examined the one hundred and eighty four principal activities now conducted by the city government. The City of Detroit, electing its first mayor one hundred years ago, and with only a few thousand inhabitants, then limited its activities to those common to local government since the beginning of history. They consisted of a legislative and an administrative authority; a system of assessing, collecting, and disbursing taxes; means of apprehending, judging, and correcting offenders against the public peace; maintaining highways; rudimentary protection against fire; and the providing of elementary education,—eleven activities in all. For half a century the increase in city activities was gradual, and by 1876 had reached only thirty-six in number and this expansion had to do with the diversification of long accepted activities. Public works grew from street grading to the construction and maintenance of paving and sewers. Constables were supplanted by paid police, including inspectors of weights and measures, sanitation officers, harbor patrol, and detectives. A volunteer fire department became a paid institution. The elementary school system was expanded to include evening and high schools. Following the Civil War a free library and a park system were established.

By 1900, 102 activities were being undertaken, and ten years later, by 1910, only 114 activities. But since 1910, seventy activities have been added,—two-thirds of the number taken on in the entire ninety years preceding. During these twelve years the cost of government has multiplied more than five times, as has been mentioned. These newly established activities are now important city services, and include nutrition of school children, prison farm, psychopathic clinic, tuber-

culosis camp, maternity hospital, medical college, women police, extension of probation, continuation school, city planning, community centers, junior college, grade separation, vice control, school gardens, hospitals, education of the blind and anemic, and civil service,—to mention a few.

It would be only natural to charge a large part of the increased cost of government to these important innovations. Particularly in the field of education, the taxpayer inveighs against educational “frills” and high taxes. In truth, these new activities are not as costly as the expansion and “doing better” of old ones. For example, in 1922, ordinary elementary and high school education (with operation of buildings, etc.) cost 82 per cent of a school budget of \$15,000,000. This leaves less than 20 per cent of the budget for new educational activities,—the “frills”—kindergarten, evening and summer schools, junior college, special schools, etc.

For the entire city government, while the tax budget has increased from \$7,000,000 to \$40,000,000, seventy new activities are accountable for, roughly, only \$5,000,000 of the increase. Debt service alone has increased from \$500,000 to over \$9,000,000, and the expansion of old activities has been from \$6,500,000 to \$25,000,000.

This situation raises the question as to how far new activities can be added and old ones expanded in the next ten years,—since larger cities are approaching the limits of real estate taxation. Apparently much economy cannot come through the elimination of “frills,” and citizens will be reluctant to curtail old and established functions. However, “efficiency” is still applicable,—not the efficiency that concerns itself only with improving the mechanics of operations, but an efficiency that will dare challenge these

operations and evaluate their worth-whileness. For example, lower police costs cannot come thru improving foot patrol methods, but by daring to question the efficacy of this whole activity.

Further, there are still opportunities for new sources of revenue,—not picayune increases in fees and licenses, but a direct striking out into incomes and unearned increments.

THE GROWTH OF CITY ACTIVITIES IN DETROIT

| | | | |
|------|-------------------|------|---------------------------|
| 1824 | Elections | 1862 | |
| | Legislative | 1863 | |
| | Executive | 1864 | Public Library |
| | Legal Advice | 1865 | Licenses |
| | Taxation | | Weights Inspection |
| | Treasurer | 1866 | |
| | Police | 1867 | Sanitary Police |
| | Municipal Court | 1868 | Detectives |
| | Fire Department | 1869 | |
| | Elementary School | 1870 | Pounds |
| | Street Grading | | Police Signals |
| 1825 | | 1871 | Parks |
| 1826 | | | Public Buildings |
| 1827 | | 1872 | Harbor Police |
| 1828 | | 1873 | Permit Inspection |
| 1829 | | 1874 | Engineering |
| 1830 | | 1875 | Evening Elementary School |
| 1831 | | 1876 | |
| 1832 | | 1877 | |
| 1833 | Poor Relief | 1878 | Public Scales |
| 1834 | | 1879 | |
| 1835 | Street Paving | 1880 | |
| 1836 | Sewers | 1881 | Health Superintendence |
| | Sewer Cleaning | | Vital Statistics |
| | Water Supply | | Teachers' College |
| 1837 | | | Periodical Library |
| 1838 | | 1882 | Truancy Police |
| 1839 | | | Criminal Identification |
| 1840 | | 1883 | Outdoor Relief |
| 1841 | | | Hospital of Sick |
| 1842 | School Census | | Education of Incurables |
| 1843 | | 1884 | |
| 1844 | | 1885 | Building Inspection |
| 1845 | | | Fire Alarm Telephone |
| 1846 | | | Fire Pension |
| 1847 | | 1886 | |
| 1848 | | 1887 | Milk Inspection |
| 1849 | | | Food Inspection |
| 1850 | Controller | | Fire Medical Service |
| | Street Lighting | | Library Reading Room |
| 1851 | | 1888 | Garbage Collection |
| 1852 | | | Rubbish Collection |
| 1853 | | 1889 | Water Meters |
| 1854 | | | Meter Repairs |
| 1855 | | 1890 | |
| 1856 | | 1891 | Zoo |
| 1857 | | | Ice Service |
| 1858 | High School | | Free Medical Service |
| 1859 | | 1892 | Free School Books |
| 1860 | | | Gas meter inspection |
| 1861 | Prison | | Fire Boats |

- | | | |
|------|----------------------------|-------------------------------|
| 1893 | Art Museum | Summer Elementary School |
| | Plumbers' Examination | Summer High School |
| | Mounted Police | Summer Technical School |
| | Reference Library | Evening Technical School |
| 1894 | Bathing Beach | 1913 Detention Home |
| | Plumbing Inspection | Refectories |
| 1895 | City Attorney | Boating |
| | Hand Street Cleaning | Boulevard Lighting |
| | Chemical Laboratory | 1914 Police Record Bureau |
| | Bacteriological Laboratory | Educational Research |
| | Kindergarten | 1915 Serology Laboratory |
| 1896 | Electrical Inspection | Serology Inspection |
| | Blind Library | Ferries |
| 1897 | Snow Removal | Charity Registration |
| 1898 | Band Concerts | Ambulance |
| 1899 | Nursing | Social Service |
| | Green House | Hospital |
| | Education of Deaf | Play Grounds |
| | Branch Libraries | School Gardens |
| 1900 | Alley Cleaning | Festivals |
| 1901 | | Oil Inspection |
| 1902 | School Children Inspection | 1916 Auto Recovery |
| | Smoke Inspection | Vice Squad |
| 1903 | Sidewalk Permits | Park Sewage Treatment |
| | Housing Inspection | Refrigeration Inspection |
| 1904 | Meat Inspection | 1917 Street Opening Bureau |
| | Aquarium | Grade Separation Bureau |
| | Conservatory | Junior College |
| | Police Medical Service | School Purchases |
| 1905 | Police Pensions | Recreation Camps |
| | Sewage Pumping | 1918 Summer Teachers' College |
| | Street Flushing | Evening Teachers' College |
| | Tuberculosis Clinic | Parent Schools |
| | Evening High School | Community Centers |
| 1906 | Veneral Clinic | Fire Prevention |
| | Comfort Stations | 1919 Purchasing Agent |
| 1907 | Forestry | City Planning |
| | Technical High Schools | House Numbering Bureau |
| 1908 | Motor Police | Complaint Bureau |
| | Tuberculosis Hospital | Auto Repair |
| | Baths | Motor Sweeping |
| 1909 | Traffic Police | Continuation School Ex. |
| | Free Evening Lectures | Education Cost Accounting |
| | Moving Picture Censor | Testing Laboratory |
| | New Building Inspection | Safety Bureau |
| | Sign Inspection | 1920 Street Railway |
| | Wire Inspection | Probation Extension |
| 1910 | Child Clinic | Central Garage |
| | Contagious Hospital | Women Police |
| | Education of Cripples | Medical College |
| | Education of Stammerers | Maternity Hospital |
| | School Transportation | Tuberculosis Camp |
| | Boiler Inspection | Summer Junior College |
| 1911 | Police Training School | Evening Junior College |
| | Motor Bus | 1921 School Architecture |
| | Elevator Inspection | Psychopathic Clinic |
| | High Pressure Water | Research Engineer |
| 1912 | Civil Service | Prison Farm |
| | Property Identification | Auto Dispatch |
| | Continuation School | Nutrition |
| | Education of Anemic | City Census |
| | Education of Blind | |

JOHN STUART MILL AND THE MODEL CITY CHARTER

BY WILLIAM ANDERSON

University of Minnesota

Mill, writing more than a generation before our Committee on a Municipal Program reported the Model Charter, advanced the same principles which we now advocate. :: :: :: :: ::

"PLAGIARISM" is defined as the act of appropriating the literary or scientific work of another and giving it out as one's own. When two writers express the same views in very much the same form, but independently, there is not a case of plagiarism but rather of coincidence which may or may not indicate the soundness of the premises and of the reasoning of both. The close correspondence which exists between the principles of the *Model Charter* of the National Municipal League, and the plan of organization for local governments outlined by Mill in his work on representative government, is of a different type. Mill's views were probably not original with him. His writing on this subject stands out particularly for two reasons: *first*, because he selected and made his own a group of principles characterized by an unusual amount of common sense; and *second*, because he stated these principles in unusually good style and small compass. His *Considerations on Representative Government* were first published in 1861. The *Model Charter* in its present form was published in 1916. By the latter year the principles expressed fifty-five years earlier by Mill had become so fully accepted by students of political science that no one thought to trace them back to him. They were common stock. This is in no way a disparagement of the work of those who gathered these

principles together and put them into the form of a *Model Charter*. They deserve high praise for their constructive work. It is only because the similarities are so striking that it is deemed worth the space to call attention to them here. So far as possible, the similarities will be shown by direct quotations.

LOCAL SELF-GOVERNMENT OR MUNICIPAL HOME RULE

Mill. "It is but a small portion of the public business of a country which can be well done, or safely attempted, by the central authorities; and even in our own government, the least centralised in Europe, the legislative portion at least of the governing body busies itself far too much with local affairs, employing the supreme power of the State in cutting small knots which there ought to be other and better means of untying. . . . It is obvious, to begin with, that all business purely local—all which concerns only a single locality—should devolve upon the local authorities." pp. 346, 354.¹

Model Charter. "Any city may frame and adopt a charter for its own government in the following manner.

¹ The page references to Mill's *Representative Government* are to *Everyman's* edition of Mill's *Utilitarianism, Liberty, and Representative Government*. The quotations are drawn from chapters 5, 7, and 15.

. . . Each city shall have and is hereby granted the authority to exercise all powers relating to municipal affairs; . . . " Secs. 3, 5, of the constitutional provisions for municipal home rule.

Mill did not go as far as the *Model Charter*: municipal home rule in the American sense is a device which originated nearly fifteen years after his work quoted above. All that we can say here is that he had the essential idea of local self-government.

STATE BUREAUS FOR THE SUPERVISION OF MUNICIPAL ACTIVITIES

Mill. "Power may be localised, but knowledge, to be most useful, must be centralised; there must be somewhere a focus at which all its scattered rays are collected, that the broken and coloured lights which exist elsewhere may find there what is necessary to complete and purify them. To every branch of local administration which affects the general interest there should be a corresponding central organ, either a minister, or some specially appointed functionary under him; even if that functionary does no more than collect information from all quarters, and bring the experience acquired in one locality to the knowledge of another where it is wanted. But there is also something more than this for the central authority to do. It ought to keep open a perpetual communication with the localities: informing itself by their experience, and them by its own; giving advice freely when asked, volunteering it when seen to be required; compelling publicity and recordation of proceedings, and enforcing obedience to every general law which the legislature has laid down on the subject of local management." pp. 357-358.

Model Charter. "Reports. General

laws may be passed requiring reports from cities as to their transactions and financial condition, and providing for the examination by state officials, of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities." Sec. 6 of the constitutional provisions for municipal home rule.

UNIFICATION OF THE LOCAL GOVERNMENTS

Mill. "In each local circumscription there should be but one elected body for all local business, not different bodies for different parts of it. Division of labour does not mean cutting up every business into minute fractions; it means the union of such operations as are fit to be performed by the same persons, and the separation of such as can be better performed by different persons. The executive duties of the locality do indeed require to be divided into departments, for the same reason as those of the State; because they are of diverse kinds, each requiring knowledge peculiar to itself, and needing, for its due performance, the undivided attention of a specially qualified functionary. But the reasons for subdivision which apply to the execution do not apply to the control. The business of the elective body is not to do the work, but to see that it is properly done, and that nothing necessary is left undone. This function can be fulfilled for all departments by the same superintending body; and by a collective and comprehensive far better than by a minute and microscopic view. It is as absurd in public affairs as it would be in private that every workman should be looked after by a superintendent to himself." p. 351.

Model Charter. "There is hereby created a council which shall have full power and authority, except as herein

otherwise provided, to exercise all the powers conferred upon the city." Sec. 1.

While Mill does not specifically refer to the subject, his general statements are broad enough to warrant the conclusion that he would not only have favored the abolition of all elective boards and officers other than the council, leaving the council the sole arbiter in municipal affairs, but also the consolidation of city and county governments under the same council. See sec. 8 of the constitutional provisions for municipal home rule printed with the *Model Charter*.

PROPORTIONAL REPRESENTATION IN THE COUNCIL

Mill. "In a really equal democracy, every or any section would be represented, not disproportionately, but proportionately. A majority of the electors would always have a majority of the representatives; but a minority of the electors would always have a minority of the representatives. . . . This degree of perfection in representation appeared impracticable until a man of great capacity, fitted alike for large general views and for the contrivance of practical details—Mr. Thomas Hare—had proved its possibility by drawing up a scheme for its accomplishment, embodied in a Draft of an Act of Parliament; . . . The more these works [of Mr. Hare] are studied the stronger, I venture to predict, will be the impression of the perfect feasibility of the scheme, and its transcendent advantages. Such and so numerous are these, that, in my conviction, they place Mr. Hare's plan among the very greatest improvements yet made in the theory and practice of government. . . . " pp. 257, 261, 263.

"The proper constitution of local

representative bodies does not present much difficulty. The principles which apply to it do not differ in any respect from those applicable to the national representation. The same obligation exists, as in the case of the more important function, for making the bodies elective; and the same reasons operate as in that case, but with still greater force, for giving them a widely democratic basis: the dangers being less, and the advantages, in point of popular education and cultivation, in some respects even greater. . . . The representation of minorities should be provided for in the same manner as in the national Parliament, . . . " pp. 348, 349.

Model Charter. The Hare system of proportional representation by the single transferable vote is provided for in the *Model Charter* in secs. 7 to 14, inclusive.

Very few people even to this day can improve upon Mill's argument of the case for proportional representation. See particularly ch. 7 of *Representative Government*.

SEPARATION OF POLITICS FROM ADMINISTRATION

Mill. "There is a radical distinction between controlling the business of government and actually doing it. The same person or body may be able to control everything, but cannot possibly do everything; and in many cases its control over everything will be more perfect the less it personally attempts to do. . . . The proper duty of a representative assembly in regard to matters of administration is not to decide them by its own vote, but to take care that the persons who have to decide them shall be the proper persons. Even this they cannot advantageously do by nominating the individuals. . . . Numerous bodies never regard

special qualifications at all. Unless a man is fit for the gallows, he is thought to be about as fit as other people for almost anything for which he can offer himself as a candidate. When appointments made by a public body are not decided, as they almost always are, by party connection or private jobbing, a man is appointed either because he has a reputation, often quite undeserved, for *general* ability, or frequently for no better reason than that he is personally popular." pp. 229-230, 233, 234. These quotations are from ch. 5, "Of the proper functions of representative bodies." In ch. 15, also, "Of local representative bodies," Mill stresses the point that the council should keep its hands off the administration, leaving all executive and administrative work to those who are trained and selected for that purpose.

Model Charter. "Neither the council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service." Sec. 3. The *Model Charter* goes on to specify more in detail the lines which should separate the administration of affairs from the determination of policies. See further quotations from both Mill and the *Model Charter*, below.

GOOD ADMINISTRATION REQUIRES THE APPOINTMENT OF EXPERTS

Mill. "Every branch of public administration is a skilled business, which has its own peculiar principles and traditional rules, many of them not even known, in any effectual way, except to those who have at some time had a hand in carrying on the business,

and none of them likely to be duly appreciated by persons not practically acquainted with the department." p. 231.

"The executive duties of the locality . . . are of diverse kinds, each requiring knowledge peculiar to itself, and needing, for its due performance, the undivided attention of a specially qualified functionary." p. 351.

"The principles applicable to all public trusts are in substance the same. In the first place, each executive officer should be single, and singly responsible for the whole of the duty committed to his charge. In the next place, he should be nominated, not elected. It is ridiculous that a surveyor, or a health officer, or even a collector of rates, should be appointed by popular suffrage. The popular choice usually depends on interest with a few local leaders, who, as they are not supposed to make the appointment, are not responsible for it; or on an appeal to sympathy, founded on having twelve children, and having been a rate-payer in the parish for thirty years. If in cases of this description election by the population is a farce, appointment by the local representative body is little less objectionable. Such bodies have a perpetual tendency to become joint-stock associations for carrying into effect the private jobs of their various members." p. 353-354.

Model Charter. The *Model Charter* leaves no executive or administrative officials to be chosen by popular election. The council is to select only the city manager and the civil service board. All other department heads are chosen by the city manager, as indicated below. "At the head of each department there shall be a director. Each director shall be chosen on the basis of his general executive and administrative experience and ability and of his education, training, and

experience in the class of work which he is to administer. The director of the department of law shall be a lawyer"; etc. Minor positions are filled mainly by competitive examination. Secs. 38, 41-48.

Mill recognized even in his day the necessity of expert administration, yet was powerfully influenced by the traditional English reverence for the "general ability" of which he seemed to make light. Following the words quoted above from p. 231, he went on to say: "I do not mean that the transaction of public business has esoteric mysteries, only to be understood by the initiated. Its principles are all intelligible to any person of good sense, who has in his mind a true picture of the circumstances and conditions to be dealt with; but to have this he must know those circumstances and conditions; and the knowledge does not come by intuition." Except in emphasis, this is not very much unlike a certain oft-quoted sentiment attributed to Andrew Jackson.

THE ADMINISTRATIVE RESPONSIBILITY SHOULD CENTER IN ONE PERSON

Mill. "What can be done better by a body than by any individual is deliberation. When it is necessary or important to secure hearing and consideration to many conflicting opinions, a deliberative body is indispensable. Those bodies, therefore, are frequently useful, even for administrative business, but in general only as advisers; such business being, as a rule, better conducted under the responsibility of one. Even a joint-stock company has always in practice, if not in theory, a managing director; its good or bad management depends essentially on some one person's qualifications, and the remaining directors, when of any use, are so by their suggestions to him, or by the

power they possess of watching him, and restraining or removing him in case of misconduct. That they are ostensibly equal sharers with him in the management is no advantage, but a considerable set-off against any good which they are capable of doing: it weakens greatly the sense in his own mind, and in those of other people, of that individual responsibility in which he should stand forth personally and undividedly." p. 231.

"Appointments should be made [not by the council, but] on the individual responsibility of the chairman of the body, let him be called mayor, chairman of quarter sessions, or by whatever other title. He occupies in the locality a position analogous to that of the prime minister in the state, and under a well-organized system the appointment and watching of the local officers would be the most important part of his duty; he himself being appointed by the council from its own number, subject either to annual reelection, or to removal by a vote of the body." p. 354.

Model Charter. "The city manager shall be the chief executive officer of the city. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. . . . He shall be appointed for an indefinite period. He shall be removable by the council. . . . The city manager shall be responsible to the council for the proper administration of all affairs of the city, and to that end shall make all appointments, except as otherwise provided in this charter. Except when the council is considering his removal, he shall be entitled to be present at all meetings of the council and of its committees and to take part in their discussion. . . . Each director shall be appointed by the city manager and

may be removed by him at any time;
 . . . " Secs. 34, 35, 38.

There is here one striking difference between Mill's views and the provisions of the *Model Charter*. Mill thought traditionally. He conceived of his city manager as a local resident, a member of the council or board of directors, chosen by the body from among its own members, like the English mayor or the president-manager of a corporation. Perhaps under English conditions in his own day, this plan would have worked well. Those who drew up the *Model Charter* thought in terms of a manager who would make city administration his profession and who would be called from city to city as his fame grew with his success. The

selection of the manager from among the members of the council, although not forbidden, was conceived of as generally undesirable under American conditions. This difference is highly important but hardly vital.

There are other differences, too, between Mill's plan and the *Model Charter*. Mill omits the initiative, referendum, and recall, of course; and he is imbued with the idea of the necessity of property tests for electors. These discrepancies are not fatal. All things considered, Mill is distinctly a modern. His 5th and 15th chapters in the *Considerations on Representative Government* form even today an excellent statement of some of the salient problems of the organization of local governments.

GAINS AGAINST THE NUISANCES

II. NOISE AND PUBLIC HEALTH¹

BY WILLIS O. NANCE, M.D.

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The second article in our series of Gains Against the Nuisances. Most noise is preventable. City noises shorten our lives, besides making them less worth living. :: :: :: :: :: :: :: ::

CITY noises, like the proverbial poor, we must always expect to have with us. Noise in any community may be and usually is a distinct sign of progress and frequently of prosperity. No large number of people can live together and transact business without making some noise. It is true that no large city of importance can be made noiseless. However, everybody knows that much of the noise of metropolitan life is absolutely unnecessary. It must be remembered that complaints against city noises are not by any means a fad of the idle rich. For if one goes into the industrial communities he will find that there is as much complaint among

the residents there as there is along the "Gold Coast."

The American city is proverbially a noisy city. The average American believes in doing things and doing them quickly and effectively and does not always comport himself in accomplishing these things with the traditional ladylike *finesse*.

Several years ago the writer spent considerable time abroad, residing in one city, Berlin, nearly a year. The nature of his work required that he live near the center of the city's business activities. The difference in the amount

¹ Read at the meeting of the American Civic Association, Chicago, Nov. 15, 1921.

of noise prevalent in the business districts in some of our American cities and the German metropolis made a deep impression upon his mind. He could not help but believe that we of the western world were making too much noise and he believes so today. Moreover, he does not believe that he is looking at the noise problem through glasses of impracticability nor the eyes of a neurasthenic nor a fanatic. He is quite sure that he has never been seriously afflicted with neurasthenia and in the urban section of the city in which he resides, notwithstanding the early visit of the milkman, the delightful matutinal greeting of the neighbors' prize leghorns and the early clanging of the ecclesiastic chimes, he usually secures without much difficulty the requisite seven or eight hours seance with the god of rest and sleep.

I

As a medical man, perhaps the subject of unnecessary noises has been brought more prominently to the writer's attention than to that of the average citizen. There can be no question of doubt that noise is a decided causative factor in many nervous diseases. There is little doubt that many nervous wrecks are created every year by the incessant din and clamor to which many of us are continually subjected.

The sensitive nervous system of the city dweller is especially prone to the assaults and onslaughts of the violence of confusion, in another word, noise, and suffers a serious drain as a consequence.

Several well known literary men have recorded their views on the noise question. A well known example is that of Carlyle, who pays his respects to noise in general and the steam whistle in particular, by saying:

That which the world torments me in most is the awful confusion of noise. It is the devil's own

infernal din all the blessed day long, confounding God's works and his creatures. A truly awful hell-like combination, and the worst of it all is the railway whistle, like the screech of ten thousand cats, and every cat of them as big as a cathedral.

A writer in a current issue of *The Nation's Health* thus pays his respects to the automobile cut-out muffler and other barbarous city noises:

The muffler which can't be cut out has come to stay and while, of course, nothing short of extermination will silence the cracked soprano, the raucous junk collector and the cheerful idiot who plays one finger piano solos, may blessings be upon the head of the health officer who will recognize and treat unnecessary and avoidable noises as a nuisance and a menace to the public health. And this is logical, for surely an offense to the ear is quite as bad as an offense to the eye or the nostril. Perhaps it may be even more harmful and surely the commission of the one should be as punishable as the other. The blessed contentment of the quiet of the open fields is not imaginary; it is a sigh of relief from nerves too taut with the stentorian voice of the city, and while the beatific silence may be occasionally broken by the tinny cacophony of the senile vehicle from Detroit, the tortured soul is soon assuaged by nature's silence.

Hollis Godfrey in the *Atlantic Monthly* mentions an article which he translated from *Le Figaro*, as follows:

Noise has a daughter whose revisions extend in all directions: Neurasthenia. I have seen in a little village a strong peasant girl lying on her poor couch and suffering from a sickness from which her forces were slowly ebbing. The doctors all agreed in declaring that she has neurasthenia. She was absolutely illiterate. Knew neither how to read or how to write. It was not books nor meditation nor sensibility of soul which had brought her to that diseased state. No; leaving her country home she had worked in a great city whose noise had constantly alarmed her. At last she returned to the fields; she came back too late.

We may perhaps also well quote the protest of a writer in the *Boston Globe*:

Gentlemen:

Why is it that your switch engine has to ding and dong and fizz and spit and clang and bang and hiss and bell and wail and pant and rant and howl and yowl and grate and grind and puff and bump and click and clank and chug and moan

and hoot and toot and crash and grunt and gasp and groan and whistle and wheeze and squawk and blow and jar and jerk and rasp and jingle and twang and clack and rumble and jangle and ring and clatter and yelp and howl and hum and snarl and puff and growl and thump and boom and clash and jolt and jostle and shake and screech and snort and snarl and slam and throb and crink and quiver and rumble and roar and rattle and yell and smoke and smell and shriek like hell all night long?

Everyone knows that rest and quiet are nature's best medicines, and that in case of severe illness the physician orders these remedies. Every large community has a certain proportion of inhabitants who are not up to physical par. In Chicago, for instance, it is safe to say that there are approximately 60,000 sick people every day, many of whom are suffering from some nervous trouble, who require and should receive all the consideration it is in our power to give them. They are entitled to protection from the awful din; the municipality owes it to them; society should give it to them.

As an etiologic factor in certain varieties of deafness noise is recognized by otologists generally. That the auditory nerve and the delicate mechanism of the ear, of which there is none more intricate and sensitive in the human body, eventually resists the violent onslaught of numerous and unnecessary noises and permanently loses more or less of its acuteness is admitted by all who have given the matter any amount of study. The generally recognized application of this principle is plainly shown in the case of boilermakers who spend many hours a day in a more or less constant din, practically all of whom are deaf. One may protect one's eyes by closing them; one does not necessarily have to use the sense of smell; the sense of taste is entirely one's own desire, but there is no way of avoiding sound when one is in its sphere.

II

Noise is a cause of lowered industrial and economic efficiency. Past Assistant Surgeon J. A. Watkins of the United States Public Health Service, in a technical survey of health conservation at steel mills, published in 1916, says:

Much of the noise in any industrial plant is, of course, a compulsory hazard, and its elimination in many plants is wholly impossible. It could, however, be made to affect a relatively small number of men only, and no doubt many noises could be eliminated.

Although many workers affirm that they become thoroughly accustomed to many of these sounds, the effect of the noise on the nervous system persists, unless, by continuous exposure, dullness of hearing or deafness is produced. The influence of continuous and unnatural noise in causing fatigue is well known. The installation of silent signals for other than danger signals would have advantages over the blowing of whistles; for should the whistles not be heard or properly understood at the time they are blown some serious mishap may arise, whereas silent signals are continuous.

In one shop in the Pittsburgh district an endeavor is being made to do away with unnecessary noise. The difference between it and others is astonishing. The men do work in an orderly, rapid manner; there is no confusion, no noise. If danger signals are sounded, they can be distinctly heard. After one has been in a noisy shop for some time a stay in this shop is actually restful. Light signals have been used where the duties of the workers were in sequence and have proved a great success.

Everyone knows that it is impossible to attain any high degree of efficiency in any line of endeavor or work that requires any exercise of the mind in the midst of a constant din. I believe I am safe in estimating that human efficiency is reduced at least twenty-five per cent in noisy business localities by a more or less clatter or clamor. It may be said that there is such a thing as getting accustomed to certain varieties and degrees of noise to such an extent that little harm results either to one's health or working efficiency. This may be possible for a varying

period of time, but it must be admitted that the cumulative, if not the present effect, of such violence is bound to manifest itself disastrously. We all know that our best brain work is done in an atmosphere of quiet.

Property values in every large city are markedly depreciated as the result of the noise evil. Few people enjoy living contiguous to a railroad right of way and being obliged to listen to a more or less constant ringing of bells, blowing of whistles, etc., morning, noon and night, week days and Sundays. Of course, nobody who locates near a railroad hopes for the beatific tranquility incident to the surroundings of a public burial-ground, but he expects, or at least has a right to expect, that the operation of the system of business will be conducted in a manner as considerate as possible for the welfare of the public.

III

Several years ago the city council of Chicago took up the matter of the suppression of useless noises seriously and appointed a sub-committee of the council public health committee to consider thoroughly the question and to report back to the council such recommendations as might seem necessary to bring about a better control of such noises as were considered detrimental to the health and comfort of the people. The writer had the honor of being chairman of this sub-committee. A number of public hearings were held which the public generally were invited to attend and make any complaints they deemed fit. It was astounding the number and various kinds of complaints that were made. They varied from the noisy automobile, the factory and railroad and steamboat whistles to the ringing of church bells and the crowing of roosters.

The so-called "flat" car-wheel, the worn rail, the railroad crossing bell, the crossing policeman's whistle, car-pet-beating, the rattling of the milkman's cans and bottles, the summer-garden's alleged music, barking dogs and screeching cats, the news-boys, nocturnal band practice and even the rah rah boys all came in for consideration. In fact it seemed to have been proven beyond the shadow of a doubt that the traditional "57 varieties" of noise are present in Chicago, and the grave feature of the whole situation is that these complaints were all seriously made. It was moreover the belief of the committee that most of these noises are absolutely unnecessary and uncalled for in a large community.

Another feature of the subject that struck the committee very forcibly is the apparent lack of consideration for the comfort and feeling of the average citizen insofar as it relates to the noise nuisance. In practically every instance complained of it appeared that protest had been made and in many cases repeatedly to persons who certainly had it in their power to minimize the cause of the disturbance, and it was a rare exception that anything at all had been done to remedy or alleviate the conditions complained of.

It is very difficult indeed to venture a guess as to what a city's worst individual noise nuisance is,—the noises are so diversified as to their location. Perhaps 20 or 30 of the total number of the 57 classified noises are present more or less all the time during the day. Together they comprise a bedlam which in its aggregate is unquestionably shattering our nerves and indirectly shortening our lives.

Elevated railway trains in the larger cities are among the worst offenders where they run through a part of the city thick with houses, offices and stores. Engineers have worked on the

problem of lessening this nuisance, but so far as I know their work has not been of very much avail. It has been studied for many years not only in this country but in Europe as well.

Another contributory factor to unnecessary city noises is the old cobble stone pavement, which is still unfortunately present to some extent. The only advantage that it seems to possess is that it is hard and, presumably, durable. In this day and age, it would seem, it has no place in a modern city. One cannot imagine any good reason why the public should be obliged further to suffer from its existence. Wooden blocks at least have the advantage of deadening much of the sound and their smooth surface makes the keeping of the roadway clear of dirt and filth easy and economical.

Then, again, the surface street cars make too much noise. The motor-man's gong, surely, is not nearly so loud or used so aggressively as was the case a number of years ago and yet it is still too noisy. The rail connections, especially at junction points, frequently seem to be too loose and in many cases the cars almost jump over the rails, adding much to the sum total of apparently useless noises. There cannot be much excuse for the continued use of the so-called "flat wheel" and yet on certain lines of many cities they are not at all uncommon, adding much to the annoyance and discomfort of our citizens. The use of the flat wheel should be prohibited.

The shrill blast of the crossing policeman's whistle in downtown districts has been objected to by many citizens. It is said to be decidedly objectionable and irritating to people who spend a good part of their time on the streets or who are employed in stores and offices on the first floors of large buildings. There seems to be no legitimate reason why police officers cannot con-

trol traffic in streets by hand or mechanical signals as is done with perfect success in some American and foreign cities, or that less penetrating whistles be employed. If other street noises were reduced it would not be necessary to use a whistle that can be heard a distance of two or three blocks in a still atmosphere to signal to a teamster 30 to 40 feet away. I would like to see the noiseless white glove signal tried out in every large city. It has been employed in the park and boulevard systems of this city for many years and has proven effective and satisfactory.

IV

There has been much complaint concerning the noisy operation of automobiles and motorcycles, and justly so, it would seem. Several years ago, before the mechanism of these motor vehicles was perfected, there might have been some excuse for it, but in this day of mechanical perfection the auto should be practically silent in its operation. In most instances there is no reason to complain of noisy operation of automobiles. A small minority of drivers, however, evidently believe it to be the height of propriety and exceedingly clever to make about all the noise they can in the public streets. These gentlemen seem to be in the class of those who violate the speed laws. They are absolutely inconsiderate of the welfare of the public and are to be classed among the undesirables. They usually have 40 to 60 horsepower engines and throw open the muffler as they tear down the street, all too frequently between the hours of 11 p.m. and 2 or 3 o'clock in the morning, awakening everyone within a radius of several blocks. They generally possess and use a horn of a volume three or four times greater than there is any legitimate necessity for.

If one drives carefully, little signaling is necessary. I know an individual who has driven an automobile daily for several months on an average of forty miles a day, and really had no trouble in getting along without any horn at all.

The motorcyclist is an individual against whom much complaint has been rightfully lodged. He has been accused of frequent open violation of the speed laws as well as of making too much noise. It is said that many of these machines in use have absolutely no muffler at all. Better regulation of these motorists by ordinance seems to be indicated.

The blowing of factory whistles is an unnecessary nuisance. It certainly does not seem at all necessary that workmen should be called to work and dismissed several times a day by the blowing of whistles that can be heard for miles to the annoyance and discomfort of hundreds of sick and nervous people. Railroad corporations and large department stores employing thousands of persons do not find it necessary to employ such methods and it would seem that gongs connected by wires with the timekeeper's office might be used as effectively and without annoyance to anyone. The factory whistle is doubtless a relic of olden times when watches and clocks were expensive and uncommon.

The crying of their wares and produce by hucksters and peddlers has become an intolerable nuisance in some communities. Where there are many sick people and in sections of the city where many people who work nights are trying to obtain some sleep during the day, it seems to be the worst. Stentorian crying is an unnecessary adjunct to the peddling business.

The visit of early morning milkmen is a source of much annoyance and irritation to the average citizen. From observations and reports, he seems to

arrive about the same time all over town, anywhere from 3:30 to 6:30 o'clock. He announces his coming with a wagon whose wheels play in and out upon the axles to a wholly unnecessary degree. His well and heavily-shod horse seems to stamp his hoofs forcibly upon the hard pavement in order to call to the attention of the sleeper that his master is about to appear upon the scene. Then there is some jingling and jangling of bottles which rends the peace and tranquility of the early morning air and then begins the noisy ascent of the one, two or three flights of stairs. Delivery consolidation and better equipment of men and vehicles would tend to ameliorate this nuisance.

The noise and annoyance incident to the keeping of domestic animals in a large city is a problem somewhat difficult of control. That the barking dog, the bellicose feline and crowing rooster figure to quite an important extent in shattering the nerves and developing and encouraging profanity in most cities seems to be borne out by investigation and observation. There are many intelligent citizens who believe that a large city is no place for either dogs, cats or chickens, and yet the records of the city collector's office show the many thousands of dogs that are annually licensed in the city.

It is time for good citizens to take a serious interest in the problem. The passage and enforcement of anti-noise ordinances will not alone bring about a quiet city. It will help some but what is needed more than anything is the creation of popular sentiment against the continuance of the noise nuisance and in favor of the enforcement of ordinances relating thereto. It means a campaign of education. When people learn that much of the noise made is not in the least necessary but harmful to the health and comfort of the

community, and that much of it can be dispensed with without injury to legitimate commercial interests, the battle will be more than half won. The public must be taught that quiet sur-

roundings as well as pure food, pure water, clean air and proper methods of sewage disposal are all hygienic measures essential to the health and comfort of all.

GIFFORD PINCHOT AND THE DIRECT PRIMARY

BY T. HENRY WALNUT

Of the Philadelphia Bar

At least once in Pennsylvania the Direct Primary functioned as its early disciples intended it should. :: :: :: :: :: ::

FAITH sometimes is rewarded. In 1913 when the state wide primary act was passed in Pennsylvania there was faith that its passage marked the end of machine domination in the selection of nominees. There was perhaps something childlike in the faith. Certainly it could show small justification until this year when Gifford Pinchot was nominated.

PINCHOT STARTED WITH NO FACTION BEHIND HIM

The story of his nomination is not quite so pure and simple as the original ideal but approximates it. He started his campaign for nomination on his own initiative and without the backing of any recognized political group. He was not a candidate of any faction or leader or combination of leaders. He was Gifford Pinchot exercising his right to submit his name to the Republican voters of the state for the party's nomination. In its origin his campaign represented the original simon pure ideal of the primary, and he was not granted an outside chance of winning by the practical men.

Ten years' experience under the primary had pretty well destroyed any

faith in the chances of an independent candidate. In 1914 a respectable and independent gentleman had offered his name as a substitute for that of Boise Penrose, who was generally held to be neither respectable nor independent. He received ten thousand votes and Senator Penrose eighty thousand. In 1918 an aggressive crusader from the western end of the state launched a campaign for the Republican nomination for governor, and arrived nowhere.

These two efforts did not constitute by any means all of the contests in the state wide primary between 1913 and 1922. There were a number of bitter contests but in all cases the candidates went into battle with more or less political organization back of them, and the "more" invariably triumphed over the "less."

So we learned in Pennsylvania when a candidate entered the list to inquire at once "who is back of him?" and if no sufficient name appeared in the answer the candidate was promptly ignored as a factor in the fight. That question was asked about Pinchot by the knowing ones, and when they became convinced that no one was back of him but a lot of citizens who didn't count, they passed him up as a real

contender. Nine times out of ten that analysis would have been correct, but this was the tenth time and ordinary rules did not apply.

PROGRESSIVES WAIT TEN YEARS

Just ten years ago the Roosevelt Progressive wave passed over the state, swept Penrose out of the state convention, and left him powerless and voiceless with nothing but reverse influence, while a group of new and exultant men named the candidates for state offices for the Republican voters to support. Since that time, however, the naming of candidates has been left almost entirely to the regular Republican organization and the contests which have sometimes been bitter have been struggles between different factions of the organization.

Ten years is a long period for steadfast allegiance, particularly after the voters in general have given to the political organization support as unqualified as the Republican candidate for governor received four years ago and as the Republican candidate for president was given two years ago. The time was ripe for a reaction. Moreover Penrose was dead and there was a deal of fussing over the heir to his state wide authority which at one time promised to result in a three cornered fight between the organization candidates, with Pinchot in the fourth corner gathering in the voters who were at loose ends with the organization.

At the last moment two of the three organization candidates stepped out and the big end of the organization concentrated on a new candidate. The lists closed with three candidates in the field, two representing opposing factions in the organization, and Pinchot as an outsider. The schism between the two factions was so profound, how-

ever, that the weaker faction finally abandoned its candidate and swung in back of Pinchot.

ONLY THE DIRECT PRIMARY COULD HAVE MEASURED THE RESULT

The final vote was Pinchot 511,377 and Alter, the opposing candidate, 502,118, with 20,000 votes scattered. Whether Pinchot could have won in a purely independent fight is a matter that can be argued freely and decided as you choose. But primarily his appeal was made to the independent Republican voters and they constituted the bulk of his vote. The naïve faith of 1913 was in large degree justified.

There is considerable discussion as to the merits and demerits of the primary system. If you take the last Pennsylvania primary, however, one thing at least is manifest. There was a total of a million and thirty thousand votes cast for the candidates for nomination for governor, 4700 votes swung from Pinchot to Alter would have changed the result. No system except a direct primary could have measured such a result. The old-fashioned convention could not have come within hundreds of thousands of gauging the difference.

As an illustration of this latter conclusion we may take the situation that arose in the Republican state committee which convened three weeks after the nomination of Gifford Pinchot. The committee men were elected at the same primary at which Pinchot was nominated. They represented senatorial districts — the territorial unit of representation in the last state convention. There was a contest for the chairmanship of the committee. Pinchot fresh from his victory advocated one man for chairman, the defeated end of the organization, another. Pinchot's

candidate received 32 votes, the organization candidate 81. This result is indicative of the difference between the action of delegates and the direct vote.

Perhaps this illustration may not be entirely fair but if we assume that the state committee was a convention selected simply for the nomination of candidates and each member had voted in accordance with the wishes of his territorial district as manifested at the primary, Pinchot's vote as the nominee for governor would have been approximately 81 against a vote of 32 for his opponent, for he carried 61 out of 67 counties of the state. This would have been as wide of the mark as the action of the state committee.

It seems clear, therefore, that if we leave out of consideration all of the minor practical evils of coercion, bribery and manipulation which caused conventions to be so widely distrusted, there still remains the fundamental objection that no practical system of delegates can accurately measure the opinion of a majority or a plurality of the voters. Sometimes a convention will over emphasize the majority as the Pennsylvania state convention of 1912 did. Sometimes if the machinery of selection is sufficiently unrepresentative it will reverse the opinion of the majority as the Republican national convention of 1912 did. Where the difference is close, however, the convention is hopelessly inept at measuring it.

The importance of nominations cannot be given too much stress. In many instances the difference between candidates in the same party is greater both in principle and in fact than the difference between parties. The issue dividing Pinchot and Alter in the last Pennsylvania primary was wider in the opinion of many voters than that dividing the Republican and Democratic parties. This was equally true

as to the issue dividing the Roosevelt-Taft groups of 1912.

ACCURATE MEASURE OF OPINION ESSENTIAL FOR NOMINATIONS AS FOR ELECTIONS

It is equally as important to secure an accurate measure of votes for a nomination of a candidate as it is for an election. The development of our voting machinery shows the appreciation of this necessity. The history of this development in Pennsylvania undoubtedly parallels that of other states. Forty years ago there was no recognition of parties on the statute books. Party endorsements, however, were valuable and the control of groups or conventions authorized to give this endorsement was fought for.

It isn't necessary, however, to go back forty years to find illustrations of the original form of nominating conference. It still appears occasionally. In 1910 a new party arose in Pennsylvania due to the wide spread belief that Penrose had controlled the conventions of both Republican and Democratic parties. The new party was fathered by a group of men in Philadelphia. It was of course necessary to get a state wide consensus of opinion as to the best candidate for governor. So a conference or convention was arranged for, and an energetic, practical man was sent out into the state to find leading citizens sufficiently interested to attend a convention in Philadelphia. He found the delegates, right enough, but when they appeared at the convention they were discovered to be united on one man—his man—as the candidate for governor, to the confusion of the Philadelphia contingent.

Of course the procedure of selection from the top down couldn't last long. Our politics operate from the bottom up.

DIRECT PRIMARY EVOLVED FROM
EFFORTS TO REGULATE
CONVENTIONS

Party rules first provided for the conventions, then for the method of creating the convention and selecting the delegates. In Pennsylvania these rules were elaborated until the voting for delegates by the party voters was conducted as formally as the voting at elections. But it was not a penal offense to play fast and loose with the result. So several grotesque statutes were enacted making it a misdemeanor for the party officers conducting the primaries to violate the party rules.

The next step was perfectly logical. The rules for the conduct of the primary were made statutory, an official ballot provided, and the whole proceeding tucked under the wing of the law. The development of the system was due to the insistence of the individual voter that a means should be provided for him to express his opinion and have it counted. Therefore the statutory primary at which he could vote for delegates became the direct primary at which he could vote for the candidate of his choice.

The final method is not unanimously approved. A number of the minor objections such as the increased expense both to the state and the candidates, and the increased complexity of the election machinery, must be overlooked, if we admit the fundamental importance of the method.

THE "RESPONSIBILITY" ARGUMENT

The real complaint lies in the alleged change in party responsibility and proceeds from a conception of our political life as divided between two parties standing for distinguishable theories of government. Followed naturally by the conclusion that in each party there

should be so-called "expert leadership" to enunciate the party principles, deliberate on the qualifications of its candidates and send it fully equipped with book and sword, into battle with its adversary. The primary it is argued destroys this leadership, practically removes the possibility of enunciating party platforms as distinct from the platforms of candidates, and leaves the deliberation on the qualifications of candidates to the random guess of the voters.

As a remedy for this situation it is proposed to return to the party convention or at least to provide some sort of pre-primary conference or meeting which might speak with authority for the party both in the making of issues and the approving of candidates. The action of the conference to be submitted if challenged to the party voters at a primary.

The Democratic party in Pennsylvania held such a pre-primary caucus, or conference or convention before the last primary to discuss candidates. The meeting was outside the law and outside the rules. It was created from the top down. Its recommendation of a nominee for governor was followed, that for lieutenant governor was rejected by the voters in the ensuing primary. If this conference should be perpetuated and its recommendations should carry real weight there would immediately develop a contest for its control which would result in the taking of the several steps which separated the old caucus from the direct primary, and we would simply swing through another cycle.

But such a pre-primary meeting is only needed where the party organization is loosely constructed. The Republican organization in Pennsylvania which is highly developed doesn't need that kind of a meeting. It does hold meetings. The change of laws hasn't

resulted in any change in that particular. When Penrose was the clearing house for the political power of the state, the meetings were held wherever he was.

It should be understood that the men who attend these meetings constitute the "expert leadership" of the state. There is only one kind of "expert leadership" in political affairs and that is composed of the men who are expert in giving the individual voter what he wants.

A half dozen of those experts speak for a half million Republican voters either in their own right or by proxy.

They are the spokesmen for the organization. We still have responsible party leadership in Pennsylvania where it existed before. But with the direct primary we have the open door for a challenge to that party leadership. Through it the final decision comes back to the individual voter. He can't be escaped. He is the beginning and end of our political life. He makes leaders and bosses. He sustains them and upsets them. Whether we like it or not he has to be trusted. The direct primary provides him with the handiest means yet devised to enable him to express his will.

THE BOSTON ELEVATED RAILWAY

FOUR YEARS UNDER PUBLIC OPERATION

BY EDWARD DANA

General Manager, Boston Elevated Railway

Under The Public Control Act the Boston Elevated Railway was practically leased to the State of Massachusetts for a term of ten years. Five trustees, appointed by the governor, have control over the operation of the railway. The rental is paid in fixed dividends upon outstanding stock. :: :: :: :: :: :: :: :: ::

IN the February, 1921, issue of the NATIONAL MUNICIPAL REVIEW there appeared a paper by Mr. Jackson, chairman of the board of trustees of the Boston Elevated Railway, outlining the public trustee plan in Boston (created by Chap. 159 of the special Acts of the Legislature of Massachusetts of 1918 known as "The Public Control Act"). On June 30, 1922, four years of public control had elapsed. In attempting to outline the situation at the close of these four years it seems appropriate to make reference to facts and conditions and permit individual conclusions to be drawn from them.

HAD BEEN OPERATING AT A LOSS

The paper of Mr. Jackson outlined the functioning of the act and it is assumed that the method devised in Boston under the Massachusetts plan is consequently understood. In order therefore to visualize the operation of this public utility it seems wise to call attention to the statistics showing revenues and expenditures by years since 1910 and from them to point out salient features and then explain what is actually going on at the present time.

In the first instance from 1910 to June 30, 1918, the fare had remained

at 5 cents and the gross revenue during these nine years had increased from fifteen and one-quarter millions to nineteen and one-half millions. Operating expenses had increased from ten millions to fourteen and one-quarter millions, the chief factors being the gradual increase of the payroll and the increased cost of fuel. During these years the allowance for renewals or depreciation had been insufficient and also during this period in order to hold the 5-cent fare in face of increased operating expenses and other fixed charges, adequate current maintenance had not been provided. Under these circumstances, with less maintenance than was required by the property, with insufficient renewals and with the passing of the dividends completely for the year, the year ending June 30, 1918, showed an operating deficit of \$598,442.

It was these facts which resulted in the experiment with public control beginning July 1, 1918, under the service-at-cost plan, which is based on sound economic principles. It was designed to put an end to the down-hill flight which had been going on unceasingly, as new subways had been added which increased the charges on the car rider and as operating expenses steadily increased notwithstanding insufficient provision for maintenance and renewals.

The first year of public operation under the provisions of the act required increase in fares. At the same time substantial increases in wages and cost of materials, supplies and fuel were occasioned by war conditions, with the result shown in the tabulation of an actual deficit of \$5,415,500.

THE TEN-CENT FARE ADOPTED

During the first year it was necessary under the act to use the reserve fund of one million dollars created under the act and to assess the cities and towns in

the district served \$3,980,151 in order to provide sufficient funds to meet the cost of service during that year. During the second trustee year it was necessary to go to a flat 10-cent fare on the entire system in order to keep pace with the rise of wages and costs during these troubled times. At the end of the second year receipts exceeded cost of service by \$17,079 which was transformed to a deficit by a retroactive wage award in July, 1920.

During the third year which ended June 30, 1921, operating expenses reached the maximum of \$24,684,558 including for wages the maximum of \$16,753,657. Subway rentals likewise had increased from \$559,000 in 1910 to approximately two million in 1921. Wages had been further increased by arbitration in July, 1920. Yet the efforts made by the entire operating organization resulted in meeting the situation without departing from the 10-cent fare and holding the operating expenses to an increase of approximately \$350,000 over the second year in the face of estimated increase in wages, cost of materials and supplies of over three millions. The receipts during the third year exceeded the cost of service by \$550,253.52 and permitted restoration of \$131,985.01 to the reserve fund after payment of the second year's deficit.

The fourth trustee year has just closed and a different state of conditions is apparent. After meeting all costs of service there remained a balance of \$1,385,211.44. This balance plus the \$131,985 of the third year has been applied in restoring the reserve fund to its original total of \$1,000,000 and in making the first payment of \$517,196.45 to the state for distribution to the cities and towns that contributed to the loan assessment in 1919. Operating expenses had been reduced from \$24,684,000 to \$22,113,000, and

the payroll had been reduced from \$16,753,000 to \$14,920,000. This result was brought about not by radical cuts in wage rates but rather by the introduction of more efficient methods of operation and the co-operative effort of the entire organization, together with reasonable reduction in rates.

SHORT HAUL FARE NOW FIVE CENTS

It should be noted that the gross revenue fell from \$34,224,000 in the third year to \$32,781,000 in the year just closed. The board of public trustees had inaugurated a system of local 5-cent fares in conjunction with the flat 10-cent fare which at the present time results in 21 per cent of the total traffic being handled for 5 cents and which has restored millions of riders on short hauls who were lost on account of the introduction of the 10-cent fare. The average fare consequently at the present time is 8.95 cents.

The retention of the basic 10-cent fare has been necessary, however, in order to secure the gross revenue required to meet the cost of service which in 1922 amounted to \$31,396,281. As contrasted with this the gross revenue during the year 1917, when 381,000,000 revenue passengers were carried at a universal 5-cent fare, amounted to only \$19,788,953. It can readily be seen that any hope of meeting the cost of service with a universal 5-cent fare cannot be realized. At the present time with the joint 5 and 10-cent fare passengers are being carried at the rate of 360,000,000 per year which is considerably above the low point of 325,000,000 in 1919 and not far from the high point of the 381,000,000 previously referred to.

LABOR MORE EFFICIENT

It may well be asked at this time as to what effect the Boston service-at-

cost plan has on efficiency of operation, incentive for economical operation, freedom from political or other interference and spirit of service to the car rider.

In this respect it is believed much has been accomplished. Employees have been acquainted with the provisions of the act, with the intimate details of financial matters and the progress made from time to time in improving service and meeting the difficulties of operation. During this period two decreases in compensation have been amicably adjusted between management and employees and a constant effort has been made to operate the property always in the interest of the car rider with the fewest men possible. The average number of men on the payrolls during the four trustee years has been as follows:

| | |
|---------|--------|
| 1918-19 | 9,748 |
| 1919-20 | 10,021 |
| 1920-21 | 9,264 |
| 1921-22 | 8,915 |

Likewise it is of interest to note that the labor turnover has been reduced to a minimum and in fact all platform men or car service employees have been in service four and one-half years or more which necessarily results in benefit to the service. This compares with a former annual labor turnover of 55 per cent.

In this connection it has been possible to work out an eight hour day as well as a guaranteed pay of eight hours for all platform men with the result that whereas under the former conditions a large number of spare men were required, under the conditions existing today a much smaller number of spare men are required all of whom receive a full day's pay. The so-called spare men reporting each day represent 6.7 per cent of the total today as compared with 20 per cent previously.

Referring to the statistical table

again it is interesting to note that the expense incurred on account of injuries and damages for the fourth trustee year was \$476,844, and following back through thirteen years it will be noted this is the lowest of any of these years and yet vehicular congestion is greater and the movement of people on the highways greater than in previous years.

The total expense on account of injuries and damages including the cost of operating the claim department, trial of cases, etc., for the last trustee year amounted to \$620,207.73 which represents 1.89 per cent of the gross revenue, the lowest ratio in the railway's history.

Much has been done in improving the service. Although the mileage operated last year (49,662,045) was less than any year back to 1905, the introduction of two and three-car train service and cars of larger carrying capacity with scientific re-arrangement of schedules has provided additional service where needed and permitted the elimination of mileage where not required.

It is of interest to note that the number of revenue seat miles per revenue passenger for the last year was 7.5 which for those acquainted with this figure as an index of service would indicate adequate service allowance by operating mileage only where required. At congested points more seats are provided than before while surplus seating capacity has been removed at points where it previously existed. This is the acme of proper service and results in minimum cost to the car rider.

MORE FOR MAINTENANCE AND DEPRECIATION

Under the act the board of trustees were charged with the responsibility of providing for proper maintenance.

The percentage of total railway operating revenue applied to maintenance and depreciation consequently has been approximately 24 per cent whereas previously the percentage of operating revenue applied to maintenance and depreciation had been 17 per cent. What has been accomplished with respect to car equipment is illustrated by comparison of the number of disabled cars in 1918 and 1921 which shows a reduction of 68.7 per cent for surface cars and 53 per cent for rapid transit cars. The percentage of cars out of service in bad order has been reduced to 5 per cent. At the same time through the operation of the renewal charge which has been conservatively adopted it has been possible to replace much of the rolling stock which was unsatisfactory from the point of service to the car rider and expense to maintain. During the period of public operation 535 new cars have been placed in service and 140 additional cars are now on order.

A reasonable program of track reconstruction has been maintained which has resulted in improved operation, lessened the wear and tear on rolling stock, and reduced derailments.

The latest modern machinery has been employed in the construction of track in the interest of efficiency and economy. Recently it was found that the railway's own forces, due to organization and this machinery, were enabled to construct a section of track cheaper than the figures submitted for the work by contract on an advertised bid.

During the trustee year approximately 7 per cent of the track has been rebuilt as compared with an average of $2\frac{1}{4}$ per cent for the previous six years, which means 22 miles of track as compared with 8.

The following newspaper quotation is of interest:

FINANCIAL EXPERIENCE OF BOSTON ELEVATED RAILWAY
COMPARATIVE DIVISION OF RECEIPTS AND EXPENDITURES FOR THE YEARS ENDING JUNE 30
(The Years 1919 to 1922 Inclusive were Under Public Operation)

| | 1922 | 1921 | 1920 | 1919 | 1918 | 1917 | 1916 | 1910 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Total receipts..... | \$32,781,493.10 | \$34,224,149.83 | \$32,689,200.87 | \$25,223,495.72 | \$19,480,022.08 | \$19,788,953.25 | \$18,781,327.71 | \$15,245,865.48 |
| Operating expenses: | | | | | | | | |
| Wages..... | \$14,920,406.05 | \$16,753,667.74 | \$16,381,206.58 | \$13,554,684.15 | \$9,147,757.25 | \$9,033,868.40 | \$8,351,117.54 | \$5,910,757.73 |
| Material, supplies and other items..... | 3,056,520.80 | 2,899,983.94 | 3,321,671.70 | 4,096,537.98 | 2,680,423.77 | 1,931,176.39 | 1,921,083.01 | 2,376,033.78 |
| Injuries and damages..... | 476,844.02 | 627,629.02 | 627,626.48 | 803,353.09 | 817,227.18 | 819,705.54 | 762,351.77 | 778,588.37 |
| Depreciation..... | 2,004,000.00 | 2,004,000.00 | 2,064,000.00 | 2,001,000.00 | 352,670.00 | 330,000.00 | 220,000.00 | 200,000.00 |
| Fuel..... | 1,656,012.89 | 2,399,277.71 | 1,996,717.21 | 1,901,596.75 | 1,381,957.20 | 947,412.50 | 825,443.64 | 822,497.54 |
| Total operating expenses..... | \$22,113,783.76 | \$24,684,558.41 | \$24,331,221.97 | \$22,362,171.97 | \$14,380,035.40 | \$13,082,162.83 | \$12,070,995.96 | \$10,085,877.42 |
| Taxes..... | \$1,610,006.47 | \$1,306,736.39 | \$1,075,496.70 | \$941,611.50 | \$905,032.96 | \$984,070.55 | \$1,013,011.80 | \$1,213,080.37 |
| Rent of leased roads..... | 2,549,625.48 | 2,673,166.56 | 2,607,565.96 | 2,587,129.57 | 2,547,420.60 | 2,428,512.28 | 2,395,804.21 | 2,028,165.15 |
| Subway and tunnel rents..... | 1,974,141.07 | 1,947,963.20 | 1,591,323.98 | 1,491,999.54 | 961,551.30 | 995,063.45 | 915,192.35 | 559,169.14 |
| Interest on B. E. bonds and notes..... | 1,483,786.91 | 1,483,625.54 | 1,593,257.58 | 1,423,142.14 | 1,238,373.55 | 1,138,655.88 | 1,120,677.70 | 556,000.00 |
| Miscellaneous items..... | 58,475.99 | 54,479.21 | 69,284.73 | 37,372.67 | 16,050.44 | 9,525.11 | 13,845.00 | — |
| Dividends..... | 1,606,371.98 | 1,523,367.00 | 1,403,970.00 | 1,360,220.00 | ..... | 1,193,970.00 | 1,193,970.00 | 1,002,003.00 |
| Total cost of service..... | \$31,396,281.66 | \$33,073,896.31 | \$32,672,120.92 | \$30,203,647.39 | \$20,078,464.25 | \$19,831,990.10 | \$18,771,528.01 | \$15,414,004.08 |
| Loss or gain..... | \$1,385,211.44 | \$550,253.52 | \$17,079.95 | \$4,980,151.67 | \$8,598,442.17 | \$43,036.85 | \$9,799.73 | \$198,738.60 |
| Back pay applying to May and June, 1919, but paid in October, 1919..... | ..... | ..... | ..... | *435,348.40 | ..... | ..... | ..... | ..... |
| | | | | *\$5,415,500.13 | | | | |

* Loss.

By dint of good planning for the night use of electric cranes, air compressors and a concrete breaker with five 500 pound teeth, the Elevated gave an admirable lesson in quick tracklaying on Boylston Street over the week end.

Much could be detailed in regard to improvements such as have been made in power plant equipment, signals, repair shops, motorizing horse drawn equipment, development of modern carhouse yards, as well as the progress made upon the modern centralized mechanical repair shops now under

way all vitally affecting the quality and quantity of service which can be rendered.

The railway today has over two million cash on deposit, one million of which is in the reserve fund created under the Public Control Act. For the first time in eleven and one-half years the railway has no money borrowed from the banks. As contrasted with this there was a floating indebtedness in excess of five millions during the first trustee year.

RECENT BOOKS REVIEWED

LONDON OF THE FUTURE. By the London Society, under the editorship of Sir Aston Webb, K.C.V.O., C.B., P.R.A. American publishers, E. P. Dutton & Co., New York, 1921. 286 pages royal octavo, with many inserted illustrations and diagrams.

This sumptuous and impressive volume is at once a history, a hope and a prophecy. Dealing as it does with the largest city in the world, it is appropriate that it should not be the work of one man, but rather the expression of a number of learned and eminent experts, each treating that section of the whole in which his knowledge and experience will most avail.

There are eighteen chapters, including the editor's explanatory introduction, in which he tells us that "the object of The London Society is to interest Londoners in London," in order to emphasize "the importance of taking a large view of London as a whole," so that "what is done shall be part of one great scheme, and so give a unity and completeness to London improvements of the future which has been denied to her in the past." We would in the United States probably sum up the presentation as a Plan for London, and yet the broad reach of the book goes beyond the ordinary city plan when it treats of "London as the Heart of the Empire," and in a lofty summing up speaks of "The Spirit of London."

The limits of this review forbid more than a glance at this great work, an appreciation of which at its value might well take up a dozen pages of the REVIEW. The subjects discussed, each by a master, cover all the varied scope that needs to be included in dealing with the homes of more than seven millions of people, associated in a location which very truly makes it "the heart of the empire," according to the Earl of Meath. Before briefly stating the subjects touched upon, it seems very proper to an American who found himself quickly in love with London on his first visit, to further quote from Sir Aston Webb's introduction a heart-warming paragraph. He writes, "Another aim of The London Society is the jealous preservation of all that is old and beautiful in London, as far as is possible. It appears necessary to emphasize this, as it seems by some to be thought that it is the aim and desire of the Society to reconstruct London, and to turn it into another Paris, sweeping away any parts of old London that may come in its way. Nothing

could be further from the Society's object." This same fine ideal is well expressed in Lord Curzon's definition of the objects of the Society, when he addressed it before the great war, as, "To make London beautiful where it is not so already, and to keep it beautiful where it already is."

Some humor enters into the detailed consideration of the great work for London contemplated in this book. "The Dean of St. Paul's has lately suggested the blowing up of Charing Cross Bridge as our National War Memorial." The suggestion is approved, and meanwhile the Society has managed to prevent the Southeastern Railway Company from making more permanent this hideous structure.

The breadth of treatment of "London of the Future" may be inferred in the titles of the chapters, aside from the two already cited, and the important introduction. "The Opportunities of London" lead into "Roads, Streets and Traffic of London," followed by "London Railway Reconstruction," in which latter paper one is impressed by the statement that even in 1911 the local railways carried 436,498,795 passengers. "Commercial Aviation and London" takes into account the necessary provision for this newer form of travel. "The Bridges of London" is a suggestive as well as a historical paper, and "London and the Channel Tunnel" proposes to "create a new London for our children."

"The Surrey Side," "Central London," "The Port of London," "The East End," follow, and then Raymond Unwin provides "Some Thoughts on the Development of London," bearing heavily on attempts to decentralize population. Details of city life are treated in "The Housing of London," "The Government of London," "The Parks and Open Spaces of London," and "The Smoke Plague of London," all papers written with sane thought for the future. Because each is broadly important, and written rather from a world standpoint than from the insular view, a study and statement of any one of them would run too far into available space. Fascinating glimpses of history are frequent, as when, in discussing housing, Mr. Davidge recites that Queen Elizabeth, appalled at the overcrowding of London in her day, decreed that "an open space of three miles should be maintained all around the city, on which no building whatever should be allowed, and even outside this limit no cottage

was to be erected unless it was surrounded with at least four acres of land."

One wonders with hope whether there could be any work so broad and fine about the second city in the world, our own metropolis. Would that the City Club could foster and idealize so splendid and yet so practicable a look ahead for New York as that contained in "London of the Future."

J. HORACE MCFARLAND.

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ANALYSIS OF THE ELECTRIC RAILWAY PROBLEM.

By Delos F. Wilcox, Ph.D. 789 pp. The Author, 1921.

This volume constitutes the report made to the Federal Electric Railways Commission, appointed by the President in 1919, by Dr. Wilcox, who was engaged to make an analysis of the testimony and documents received by the Commission. This report was not published as part of the proceedings of the Commission, and the author has undertaken its independent publication to make it available as a reference work. It is indeed regrettable that this analysis does not appear in official form, and it would have been unfortunate if the mass of material, gathered by the Commission after much effort and expense, had remained undigested.

The author is supremely qualified, through long experience and fundamental understanding, for the task of analyzing the mass of data submitted quite haphazardly to the Commission. The result represents, in the opinion of the Commission, "a complete and masterful study of the whole electric railway problem." The material covers 54 chapters, besides an index and appendices, making a total of 657 pages. An enumeration of some of the chapter titles will suffice to indicate the topics considered: "The Street Railway an Essential Public Industry," "Credit and Co-operation the Co-ordinate Needs of the Electric Railways," "Why Has Electric Railway Credit Been Lost," "Financial Reorganization," "The Valuation," "The Rate of Return," "Service at Cost," "The Electric Railway Labor Problems." Space precludes reviewing in detail any particular portions of the voluminous report.

The problem facing the electric railways through the breakdown of their credit is clearly and comprehensively presented. Among the various causes assigned are overcapitalization, financial exploitation, unnecessary extensions;

inflexible fares; special taxation; jitney competition; uneconomical management, and increase in cost of operation. In each case, the author cites the testimony of witnesses who appeared before the Commission. Incidentally, there is much overlapping which judicious selection might have avoided, and much space is given to mere corroborative expressions of little value as proof. The author shows that the extensive impairment of credit was inevitable and was merely brought to a crisis by the war, and that therefore the problem is one of fundamental reorganization and not temporary adjustment.

After analyzing the causes of the collapse of the credit, Dr. Wilcox next discusses the constructive suggestions for its restoration. These embrace proposals for higher fares, remission of taxes, regulation of jitney competition, greater operating economies, and reorganization of the companies on a sound financial basis. He treats particularly the relative merits of state regulation, the alternative of semi-automatic control through service-at-cost, and municipal ownership and operation.

Throughout Dr. Wilcox supplements the opinion evidence of the witnesses by opinions of his own. While every public-minded person will agree with substantially all that he says in respect to the causes for the collapse and will readily subscribe to the view that no mere policy of opportunism but a comprehensive and constructive policy is needed, yet he may rightly differ from the idea which finds expression, directly or indirectly, throughout the book,—that the only ultimate and permanent solution is public ownership and operation. Even Dr. Wilcox recognizes that dominant public opinion, rightly or wrongly, is arrayed against him and that obviously, except in some compelling emergency, the program could not become effective in the near future. While, of course, every city should be free to determine its own transportation policy and the arbitrary legal restrictions to public ownership and operation should be removed, even at best the difficulties of public ownership and operation are great, and there is no reason for shutting out consideration of other methods which in particular instances may better meet the situation.

While, unquestionably, public regulation has been gravely disappointing, as the reviewer has been showing by his articles in the REVIEW, the difficulties of reorganizing the methods of regulation certainly appear no greater than those involved in overcoming deep-rooted prejudice

against public ownership and operation and especially in reconstituting the machinery of municipal government required for efficient operation. The service-at-cost plans have by no means been demonstrated as complete failures from the public standpoint. There are other methods of organization which may prove their way with further experience. Why shut out consideration of everything except the one solution, which, admittedly, involves very great difficulties?

JOHN BAUER.



PRINCIPLES OF PUBLIC PERSONNEL ADMINISTRATION. By Arthur W. Proctor. Published under direction of Institute for Government Research, by D. Appleton & Company, New York, 1922. Pp. 165, with appendices.

In this volume the author endeavors to deal, in a comprehensive way, with the problem of public personnel administration. It is a well-written treatise and contains a great deal of information which legislative and administrative officials should have. The subject is discussed in plain, simple style, easily understood by the layman. It is indicative of the awakened interest in the importance of effective personnel management in the public service. The book is not intended as an exhaustive study. Its purpose, as announced in the preface, is "to furnish a brief introduction to the study of the problems that confront all governments of securing and maintaining an efficient personnel."

During his long period of contact with public personnel matters, as a staff member of President Taft's Commission on Economy and Efficiency, with the New York Bureau of Municipal Research, in charge of the investigation work of the inquiry regarding the standardization of public employments made by the senate committee on civil service of New York state, and later with the Institute for Government Research, Mr. Proctor has had an unusual opportunity to study personnel conditions as they actually exist in the public service. He writes with first-hand knowledge. He has discussed, and not without success, the general principles applicable to personnel control in the municipal, state and federal service.

In an interesting and informing way he discusses the important factors entering into a complete personnel program. His presentation of the need for a public employment program is

perhaps the strongest part of the entire volume and should appeal to good citizens, both in and out of official position, as fundamental. The chapters devoted to Standardization of Public Employment, Recruiting and Selection, Training for Public Service, Efficiency Rating, and Promotion will be of interest to personnel officers and civil service commissioners and administrators.

Students of the personnel problem in public administration will not altogether agree with the author either as to the conclusions which he has reached or as to the emphasis which should be placed on certain phases of employment administration. The work, however, is a distinct contribution to the subject and will undoubtedly play its part in the awakening of the public and official mind to the realization that the success or failure of future public administration, both from the standpoint of effectiveness and economy, is going to depend more and more upon a capable, properly compensated, properly organized, and properly controlled personnel.

CHARLES P. MESSICK.



THE STATE AND GOVERNMENT. By James Quayle Dealey. New York: D. Appleton & Company, 1921. Pp. xiv and 367.

This book constitutes a complete rewriting, with a considerable enlargement, of the author's earlier volume—*The Development of the State* (1909). It gives the historical, social and ethical bases and relations of the essential institutions, activities, methods and ideals of political government. It does not describe the governments of particular countries successively; nor is it merely a comparative study of government—by organs, departments and functions. On the other hand, it is not essentially a study in political theory. It attempts rather to set forth in concise form the genesis, evolution and essential character of present-day organs and functions of the state and of present-day political doctrines. For each of our familiar governmental devices and dogmas (*e.g.*, written constitutions, popular sovereignty, the industrial functions of the state, jury trial, forms of penalty, legislative procedure) the author indicates its primitive stages, the series of events through it developed into its present form, its specific social and ethical utility.

In the execution of this plan the author displays a wide, accurate and appreciative familiarity with the ideas of others in this wide field, and an effective mastery of his own ideas. It does

not seem correct to say (p. 168) that the principle of the separation of powers "in the United States is found chiefly in the federal system, having made little headway in State or municipal government"; or to speak of the "Swiss Rousseau"; and it is obviously a slip to say (p. 299) that the compulsory referendum on legislation exists in all of the Swiss cantons except Fribourg. In chapter XIX—on "Citizenship, Rights and Obligations"—the presentation does not seem altogether precise; here the author seems not to discriminate adequately between legal rights and moral or ideal rights. In general the discussion shows a clear apprehension of essentials, is at all points adequately fortified by illustrations, and is in all parts sane and fair in its appraisal of the validity of contemporary political tendencies and ideals.

Those who exalt the practical over theoretical aspects of political science pursue an impractical policy if they ignore (as matters of merely academic interest) the historical and social roots of present-day political institutions, doctrines and ideals. The volume in hand is a scholarly work of great practical utility.

F. W. COKER.



BUDGET MAKING. By Arthur Eugene Buck.
New York: D. Appleton & Company, 1921.
Pp. 234 with charts.

What is popularly known as the budget system is now a fact accomplished in the federal government, in 46 state governments, and in several hundred American cities. Considering the executive officials directly involved in all these cases in the making of budgets, the members of federal, state, and municipal legislatures having a voice in the adoption of governmental financial programs, and the large body of citizens who take an active interest in the subject, there is presumably a widespread need for information on the technique of budget making.

Mr. Buck has written his book with the object of offering practical help to those desiring this technical information. The advantages of the budget plan of governmental financing are referred to only incidentally, *e.g.*, in setting forth the processes and forms required for clearness, accuracy, and completeness in the budget information. Throughout the book the author adheres closely to his plan of explaining in detail the various steps necessary in giving effectiveness to the purpose of the budget system.

A budget, as Mr. Buck views it, is a complete financial plan for a definite period, based on careful estimates of both expenditures and probable income, and presenting both the expenditure side and the revenue side. The making of such a budget or financial plan, he points out, constitutes a complete cycle of operations. This cycle begins with the recording of information as the basis of the work, and includes the preparation of estimates, the comparative and objective analysis of these estimates, and from that proceeds to the formulation, review, and adoption of the financial plan itself. The cycle is completed by the execution of the plan and the coincident recording of more information for use in preparing the next budget. Moreover, each succeeding budget, while complete in itself, is in reality only a link in the lengthening chain of the government's financial experience and policy.

It is necessary, of course, before a budget is made, that there should be a budget-making authority. Properly, therefore, Mr. Buck not only describes the executive, board, and legislative types of budget-making authorities, but also includes a classification of the states, and some of the more important cities, with respect to the kind of budget-making authority adopted. It is interesting to find that the budget plan in 24 states is of the executive type, in 21 states of the board type, and in one state of the legislative type. There is also a discussion of budget staff agencies, in which is pointed out the value of such a body having a permanent character and a trained personnel—a value that unfortunately is as yet generally overlooked by cities and states alike.

The book is rich in description of the kind of information needed in the budget, the system of classification, and the methods and exact forms to be used in gathering the necessary estimates and in correlating them in budget form. It takes up step by step the reviewing and revising of the budget proposals, the requisite appropriation measures for legislative consideration, and the procedure of giving life and effect to the financial program. Emphasis is laid on the advantages of making the budget a document that tells a complete story in interesting terms and of accompanying it with a budget message that will "put the budget in the news class with the baseball game."

RUSSELL RAMSEY.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Mayor Hylan's Traction Plan for New York City.—On September 6, Mayor Hylan submitted to the board of estimate and apportionment of New York city, a comprehensive municipal transportation plan. This includes the construction, acquisition and operation of an outright municipal system, not connected in any way with financing and operation by a private company. Public hearings on the plan were started on September 15, to get the benefit of criticisms and suggestions of various public organizations. The plan is to be molded into an accepted municipal program at the earliest possible moment.

The plan contemplates the immediate introduction and operation of municipal buses, requiring an estimated investment of \$25,000,000. The buses would serve where the street surface lines have been discontinued and where inadequate local transportation is provided; also where they would operate better and more economically than the surface street railway lines.

The buses, however, are to be operated as an integral part of the proposed rapid transit system. Construction of two subway trunk lines through Manhattan would be started immediately: one on the east side and one on the west side, with branches and extensions to serve the requirements of the other boroughs. This would meet the more pressing transportation needs of the city. Besides, there would be constructed a number of other extensions, crosstown lines, and tunnels to serve and connect the several boroughs. The plan contemplates also the "recapture" of most of the existing subway lines, in part financed by the city and now operated by the private companies under the rapid transit contracts Numbers 3 and 4. This acquisition would be carried out under the terms of the contracts between the city and the companies.

If the plan is carried out, the city would own and operate all the buses and all the subways, except one line left to the Interborough Rapid Transit Company because it cannot be recaptured under the contract with the company. The private companies would retain the surface and the elevated lines; also the one subway line which cannot be recaptured by the city. With this one exception, the city would operate practically all of the really modern transporta-

tion properties, while the companies would have the lines which are in various stages of obsolescence. A large proportion of the surface lines have unquestionably outlived their usefulness, and most of the elevated lines are inadequate for future transportation requirements.

The cost of financing the plan has been estimated at \$600,000,000, to cover the buses, the recapture and the new construction. The city has already a subway investment of about \$300,000,000; so that its total investment with the completed project would be about \$900,000,000.

The plan seems to meet the New York city situation admirably. While a completely unified system might, in general, be desirable, including not only all subways and buses but also elevated and surface lines, this appears practically out of the question because of the excessive prices demanded by the companies for the more or less defunct surface and elevated properties. The New York Transit Commission has been working for the establishment of a single unified system, but its efforts will apparently come to nothing because the companies will not accept valuations of the properties on the basis of their present physical condition and remaining serviceability. The mayor's plan of an independent municipal system is the only reasonable way out of the difficult situation. It will provide new transportation facilities and will leave the private companies to operate their properties under their franchise or contract requirements.

The only dubious point in the plan as first submitted is the "recapture" feature. This should be considered very carefully before it is finally definitely accepted in a municipal program. The difficulty with recapture of existing subway lines is the excessive price that would have to be paid, for the amounts are fixed under contract definitions and are unreasonably high. Because of this fact, it might be better to let the companies operate the existing subways under the contracts, and for the city to proceed with the construction and operation of new subways, taking in the present subways only at the expiration of the contracts. But this is a mere detail, which doubtless will receive careful consideration before final determination.

JOHN BAUER.

How Buffalo Secured a City Plan.—At the fall election in 1920 a referendum question was submitted to the citizens of Buffalo which, voted upon affirmatively by a large majority, became a mandate upon the council of the city. This important question read as follows: "Shall the council of the City of Buffalo adopt plans for the location and grouping of the public buildings of the city prior to September 1, 1922, and thereupon proceed to acquire the lands necessary therefor, with the view of constructing public buildings thereon from time to time as necessity may arise?"

This action was in large measure the result of an intensive publicity campaign carried on by the Buffalo City Planning Association, Inc., an organization of interested citizens with which some hundred civic and business clubs were affiliated. The council immediately turned over to the City Planning Committee, its own appointed body, the problem of making a plan for the location and grouping of future buildings and this group of men spent the next fifteen months in considering the situation in all its aspects.

Early in the year of 1922 the plans were ready for presentation to the public and, with the consent of the council, the Buffalo City Planning Association, Inc., undertook to make the plan public and to promote intelligent discussion. The first step was the preparation of a mailing list. From the basic list of the full membership of several large organizations, this grew to 15,000 through the addition of names submitted by each affiliated organization, by the Democratic and Republican organizations in each election district, and by the addition of hundreds of names as a result of later newspaper publicity and out of town requests from city planning officials throughout the country.

The Buffalo City Planning Association, Inc., had some hundred organizations affiliated with it at the beginning of the 1922 campaign. It solicited opportunities of presenting the plan to these and other organizations and eventually increased the number of its affiliated organizations to 181. These were actively behind the plan.

The next step was to secure the co-operation of the newspapers of the city. Each paper definitely assigned a reporter for city planning publicity.

These men were then called together and the entire city plan was explained to them as well as the plan for carrying the publicity. The morn-

ing papers were given the first, third, etc., releases, the evening papers the second, fourth, etc., releases. This plan was followed out in the campaign and worked very satisfactorily. The co-operation and support which all the papers gave to the publicity campaign and the plan itself is a part which merits attention. Without this support and co-operation, carrying the campaign to a successful conclusion, would have meant a problem of infinitely greater magnitude. Buffalo is proud of the spirit its papers showed!

Simultaneously with these activities the plans were gone over with small groups of people, many of them prominent members of leading clubs. At first talks were given by members of the City Planning Committee, but as the publicity process expanded the need for a larger corps of speakers arose. To meet this need the Buffalo City Planning Association, Inc., held training classes for and organized a speakers' bureau of 68 men and women. It prepared, for the use of the speakers' bureau, several duplicate sets of lantern slides which compactly illustrated the various features of the plan and included the basic city planning principles and contrasted Buffalo problems with those in other cities.

The culmination of the campaign was the public hearing held on May 9, in Buffalo's largest auditorium. This was the first public hearing in Buffalo to be held outside of the city hall, and the first to be held in the evening. It meant that every interested citizen could be present. Several thousand people attended and the sentiment of the meeting was 99 per cent in favor of the plan suggested by the City Planning Committee.

Then on June 15 a final public hearing was held and after due deliberation the plan in its entirety was adopted by the council.

CHAUNCEY J. HAMLIN.



Second Year of Detroit's New Criminal Court.—Detroit's reorganized and unified criminal court has now completed its second year. It is the only unified criminal court in the United States; and those interested should send to the Detroit Bureau of Governmental Research, Inc., for a copy of their recent appraisal of its work.

Viewed from numerous angles, the new court fulfills the hopes of its makers. In disposing of felonies it is much more expeditious than the old. A comparison of 1,948 cases in 1919 with 3,338 cases in 1921 shows that only 15 per cent of the

former were disposed of in four weeks while 84 per cent of the latter were completed in the same time. During 1921 sufficient time was given to do justice in each case, but dilatory methods common to criminal courts were not tolerated.

Another noteworthy fact is the heavy increase of the number placed under probation. The figures are 750 for 1919 and 1888 for 1921. Yet when prison sentences were imposed they were more severe than before. This was particularly true in robbery and burglary cases.

Detroit has a psychopathic clinic as an integral part of the court. Although other cities have employed it in minor offenses, this is the first time that psychiatry has been applied to felonies. The usefulness of this clinic and the manner in which it operates is described by the following case related in the report of the Detroit Bureau.

The case is that of a woman, 41 years of age, examined in the psychopathic clinic September 27, 1921, on the occasion of her arrest charged with larceny from the person. The examination showed her to be recovering from the effects of delirium tremens, with deteriorating effects of long drug addiction, and she had an almost total lack of any appreciation of her duty toward others. The police department record showed that she had been arrested for larceny in 1919 in Detroit and had received a fine of \$50 upon that occasion. Investigation into her history by correspondence with places where she had lived and institutions in which she had been, disclosed the following facts:

She began to be sexually promiscuous at the age of ten and to drink excessively at that time. Her first arrest occurred when she was eleven, for which she received a fine. When she was twelve she was arrested as a truant from school, and later, the same year, for larceny, for which she was sentenced for six months in the Washington jail. One month after discharge from the jail she was arrested for larceny and this time sent to the reform school for a period of two years. When she was fifteen she committed her first robbery and for this was sentenced to prison for five years in New York. About two months after her discharge from prison she was arrested in New York in a stabbing affray and sent to Mattewan Hospital, where she remained for about a month and a half. At twenty-two she was again sentenced to prison for stealing and from that time until she was thirty-nine years of age she was constantly in prison or in insane hospitals. At St. Elizabeth's Hospital she was regarded as not insane, and was returned to prison. In prison she killed another inmate and was returned to the hospital. She came to Detroit when she was thirty-nine years of age and married here. Shortly after her arrival she was arrested for larceny and fined as above noted.



Bursam Bill Threatens National Park System.—A bill to define the rights of the Mescalero Apache Indians in the Mescalero Indian Reservation, providing for an allotment of certain lands therein in severalty to the Mescalero Apache

Indians and creating and defining the All Year National Park, was introduced into the senate by Senator Bursam of New Mexico on April 28, 1922; recommended on June 14 and again on July 5 by Secretary Fall, also of New Mexico; reported favorably without public hearing by the committee on Indian affairs of which Senator Spencer is chairman, and passed by the senate on July 7 by unanimous consent and without a record vote. On August 17 the senate bill reached the house which had been taking a summer vacation, and was referred to the committee on Indian affairs.

Quick work this, when it is remembered that the Barbour bill to create the Roosevelt-Sequoia National Park by enlarging the present Sequoia National Park to include the marvelous Kings River Canyon has never come to a vote in the house although the committee on public lands, after a public hearing before which the leading civic and scientific organizations of the country supported the bill in the interests of the public welfare, reported the bill favorably on January 12, 1922.

The Bursam bill would accomplish in the affairs of the Mescalero Indians a number of purposes which we are not competent to judge but which we are willing to accept on the recommendation of the committee on Indian affairs. When it comes, however, to creating a national park by authorizing the secretary of the interior to select scattered parcels of land within an Indian reservation and setting up a confused administration in which the national park service, the bureau of Indian affairs and the reclamation service might all take a hand, the American Civic Association and other organizations which have paid special attention to park administration believe that the bill should be amended to eliminate numerous undesirable features. We have, therefore, requested the house committee on Indian affairs to hold a public hearing on the bill in order that the organizations which maintain a "watch service" in behalf of the people may present their views.

The Bursam bill has made the friends of the national parks realize as never before that the national park service has developed a stable policy in regard to qualifications which lands should meet if they are to be incorporated into the national park system and a singleness of purpose in their administration. By admitting to the national park system only lands which justly can be defended against commercial encroachments because of their outstanding national

qualifications can we have any assurance that we can maintain the national parks of the country for the benefit and enjoyment of all the people.

HARLEAN JAMES.



The New York Literacy Test for Voters.—

It will be recalled that under a constitutional amendment adopted last year, new voters in New York will be compelled to undergo a literacy test. A literacy test, however excellent it may be in principle, is always difficult to apply and the New York provision, drafted after a great deal of discussion and consultation with civic organizations, is not wholly acceptable to the latter.

The law adopted provides that each polling place shall be supplied with one hundred extracts from the state constitution of approximately fifty words each, printed on pasteboard slips. Unless a new voter can present a certificate signed by the head of a recognized school in the place in which he lives, he shall be compelled to draw one of these slips at random and to read all the matter thereon, and then to write ten words in English. But if the new voter prefers he may undergo examination at the hands of a public school principal or head of other registered school, and if the examination is satisfactory the principal or head shall give him a certificate which shall be accepted by the election board.

The New York State Association, which took part in framing this provision, urged that jurisdiction over the administration of the test should be placed exclusively in the hands of the educational authorities, but was unable to secure more than the compromised arrangement outlined above. The friends of the literacy provision admit that this test is defective, but as yet no psychological or intelligence tests have been developed to the point that they merit adoption. It remains to be seen how effective this provision is and how much it will be abused in practice.



Progress in Municipal Street Cleaning in Philadelphia.—For many years Philadelphia remained the one large city in the country whose street cleansing services were in the hands of private contractors. Aside from the efficiency of the work the political aspects of this manner of doing business were intolerable. The work was done by contractors who were also political bosses. The rule that contracts were never let for more than a year at a time successfully elimi-

nated independent competitors, and it was only after years of agitation that the new charter was able to secure for the city the power to do its own street cleaning.

Beginning with January 1 of this year all the city cleansing services—street cleaning, ash, rubbish and garbage collection and disposal—were put on a direct municipal basis in all districts. Since then there has been general satisfaction with the service rendered. The budget allowance for the past year was considerably less than that for previous contract work although this was to be expected because of lower price levels. It is probable, however, that a saving over the budget allowance will be made.

Last month bids were opened for the construction of a refuse destructor which is the first of several that are proposed. The construction of modern refuse plants is looked upon as being one of the principle gains of the change from contract to municipal work, since it was impossible to compel contractors to erect such plants under the one year contract arrangement.



Municipal Savings Banks.—In Scotland, where, we are told, people do not play fast and loose in money matters, the movement for municipal savings banks has caught on. In England, Birmingham remains the only city to try the experiment. The model followed, writes the *Municipal Journal*, is the bank in Kirkin-tilloch, which has been in operation two years, and which arose from a desire to procure cheaper money for city purposes. Depositors were offered one-half per cent more than the Scottish banks paid. Receipts were used to redeem loans contracted at higher rates and to finance activities with cheaper money than could otherwise be secured. In spite of unemployment and dull trade there has been a steady growth in the accounts of the bank.



The Second Number of "The City's Business," now being published by the St. Paul Bureau of Municipal Research points out that the street paving already planned (two-thirds of which has been contracted for) will cost a million dollars. Of this the city must pay \$220,000 with only \$33,600 on hand and no provision for funds in next year's budget. It isn't a difficult matter for politicians to promise to pave streets or even to let contracts, but payment for same is often left to the next administration.

II. CITY MANAGER NOTES

Manager Locke of Grand Rapids reports that good money is being made on its \$4,000,000 investment in a municipal water works system. It cleared about \$180,000 during the last year, thus earning about 4½ per cent on its investment. Rates are low, service good, and the city gets many advantages in the matter of water supply under the new administrative system.

✱

Manager Macky of Newburgh, New York, suspended himself from the position of city manager, pending investigation, on accusation made by the local "news butcher" that information had come to "our office" that the city manager was to have received \$6,000 commission on the sale of a high school site. The city council laughed at the charge, because the manager has no control over the schools. Manager Macky, however, refused to consider it a joke and suspended himself, pending investigation. Major Macky's first act after being appointed city manager was to reduce his salary from \$5,000 to \$3,500.

✱

Manager T. V. Stephens, Excelsior Springs, Missouri, has secured by competitive bidding an offer of 4.81 per cent interest on the daily bank balance as against a previous 2.9 per cent rate.

✱

Manager C. E. Douglas of Lawton, Oklahoma, secured a judgment against the county for \$12,000 penalties on delinquent taxes due the city.

✱

Local petitions are being circulated in Sacramento and Long Beach, California, for the purpose of abolishing the manager plan. Neither seem to be considered seriously.

✱

Editorial Comments favoring manager government have appeared in the San Francisco (California) *Chronicle*, Reidsville (North Carolina) *Review*, Marysville (California) *Democrat*, Tallahassee (Florida) *Daily Democrat*, Atchison (Kansas) *Daily Globe*, Grand Junction (Colorado) *Sentinel*, Albuquerque (New Mexico) *Journal*, Waltham (Massachusetts) *News*.

✱

Manager Elliot of Wichita, Kansas, is fighting the gas company.

Manager Hawkins of El Dorado, Kansas, started the publication of a municipal sheet called "Our Public Service."

✱

Active Interest in city manager government is in evidence in National City, California, Barberton, Ohio, El Paso, Texas, Knoxville, Tennessee, Chester, Pennsylvania, Cordele, Georgia, Bridgeport, Connecticut, Redford, Michigan, El Reno, Oklahoma, Hoquiam, Washington, Milford, Massachusetts, Berkeley, California, Baker, Oregon, Warrenton, Oregon, Red Lodge, Montana, Waukegon, Illinois, and Kennett Square, Pennsylvania.

✱

The "Outs" in Grand Rapids are again proposing amendments to the city charter, which are simply modifications of those overwhelmingly defeated a few months ago.

✱

M. P. Tucker succeeds **Homer C. Campbell** as chief administrator of Akron, Ohio. Mr. Tucker has been superintendent of water works and service director. Indications are that he will give Akron a worthy administration.

✱

Friends of A. W. D. Hall will be surprised to learn that he has resigned as manager of Tampa to accept a position as city engineer on the new water front terminals. A \$600,000 bond issue for this purpose was recently voted.

✱

Boyd A. Bennett, former director of public service and assistant city manager of Lynchburg, Virginia, succeeded **Walter Washabaugh** as manager of Charlottesville, Virginia, September 1.

✱

L. S. Looney was appointed manager of Decatur, Georgia, July 1.

✱

Managers Reeves of Glendale, California, and Streed of Kenilworth, Illinois, have had their salaries raised \$50 and \$100 a month respectively.

✱

W. M. Rich, who left Goldsboro, North Carolina, August 1, became active manager of Alexandria, Virginia, September 1, at a salary of \$5,000. His former salary was \$4,500.

PAUL B. WILCOX.

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COMMENT

The recently prepared home rule charter for San Diego county, California, cannot be submitted to the voters, according to the state supreme court, because the board which drafted it filed it one day later than required by law.

*

Rahway, New Jersey, by means of municipal milk stations, brought the price of grade A milk from 18 to 12 cents. The mayor's commission which recommended such stations explains that the milk will have to be sold in bulk and must be called for at the stations. Certainly this will eliminate the three or four wagons which cover the same street, but there are other serious wastes in the milk business which it will not touch.

*

The weekly, interchangeable pass is one of the weapons being used by street railways in their last gallant stand against bankruptcy and utter dissolution. The most recent user of the pass system is the Chicago elevated railway system, but it has had its real tests in smaller communities. For example, in Terre Haute or twenty other cities, you can buy a card good for the calendar week at the reasonable price of, say, one dollar. It is good for any number of rides for the bearer. Walter

H. Jackson, who introduced the idea, says, "We surely make 'em ride."

*

The Labor Review of Labor Defends Dayton is strenuously Daylon Charter opposing the effort to abolish the manager plan in one of the first cities to adopt it. In a strong editorial in the issue of September 29 it refutes two falsehoods being spread about by those who would return to the federal form. They are (1) that the manager plan is responsible for the higher tax rate, and (2) that the city's debt has grown to more than thirty million dollars. As a matter of fact the city's share of the tax levy has grown from only \$7.10 to \$9.13, and the total indebtedness is just \$9,271,280. This latter figure includes \$2,071,000 of water works bonds, whose interest and amortization is met from water receipts.

A real source of discontent seems to be the unrepresentative character of the city council. The charter would be improved and unrest allayed by the adoption of P. R. for the election of councilmen.

*

County Progress in North Carolina As an outgrowth of continued agitation for reform in county government, Governor Morrison of North Carolina

has appointed a commission to report to the next legislature a plan for improvement. Professor E. C. Branson, a member of our council, is the active spirit in the movement. Dr. E. C. Brooks, state superintendent of public instruction, is also urging reform along county manager lines and has backed up his campaign by stirring speeches based upon specific studies of North Carolina counties.

In a recent address, Dr. Brooks refers to Pitt county which he thinks is the most efficiently governed county in the state. The Pitt county commissioners have employed a full time auditor and given him executive powers somewhat similar to those which a county manager would have. He makes up the tax books and superintends all buying. Under this official, \$2,000,000 of additional property was put on the tax books, some of which had escaped taxation for years. Uncollected taxes in Pitt county have fallen to one per cent of the total while ten to fifteen per cent is the normal for many other counties.

*

"*Make Politics is the slogan adopted by Your Job*" *The American Boy* in a campaign to educate and interest boys in politics. The series of stories and fact articles, which is to direct them to their civic responsibilities, began with a story of a high school "ring" which was quickly vanquished (too quickly, almost) when the high-minded boys asserted their power.

"Make politics your job" is a healthy slogan for a democracy and is good for young and old alike. Unfortunately, as described in the article in last month's REVIEW entitled "The Political Ambitions of College Students," the advice usually is, "John, keep out of politics."

The American Boy deserves our

thanks for a well planned effort to improve government by restoring a sound interest in politics. The word has fallen upon evil days but it is time that it was restored to respectability. Citizen and politician ought to be synonymous.

*

Los Angeles Plans on Big Scale The Regional Planning Conference of Los Angeles county held its fourth annual meeting at Verdugo Canyon last September. We predict that this organization will make history. Its purpose is to plan and regulate the development of Los Angeles and surrounding communities. The physical make up of this area consists of a metropolitan center surrounded by many satellite communities, all to be connected by suitable transportation facilities, to be supplied with pure water, to be provided sanitary sewers and given easy access to parks and boulevards.

What is advocated is a "metropolitan system" which will give to suitable county agencies control over matters of general concern but which will encourage the individual identity of the constituent parts.

What is aimed at is a new federalism in the government of metropolitan areas. During the past generation a new type of community has developed adjacent to our larger cities. Our traditional forms of local government are not adapted to it, and a new form must be designed. The problem is easy to state. "A central authority over matters of general concern but full individuality for each part in local affairs" sounds easy, but how is it to be worked out in practice?

The trouble is that, for such an area, some problems are urban while others are rural. For the government of such neither municipal or county government as we know them are satisfactory.

ESCANABA ADOPTS CORPS OF CITY MANAGERS

ALSO ADMINISTRATIVE CODE

BY ROBERT T. CRANE

University of Michigan

Escanaba, Michigan, is the first city to adopt an ordinance setting up a complete administrative code. It is the first city, also, to establish a city-manager corps in place of a single manager. :: :: ::

THE charter of Escanaba places no restrictions whatever on the power of the council to organize the administrative forces of the city beyond the requirement that the council shall appoint a city manager with entire and exclusive control over whatever organization may be established. Limitations have been placed only upon administrative methods.

CHARTER SILENT ON ADMINISTRATIVE ORGANIZATION

In the exercise of the complete discretion thus vested, the council has written into a single code all provisions for the establishment of administrative offices and departments and for fixing the duties of each. Since these provisions are contained in an ordinance instead of a charter, they may be easily altered to suit the rapidly changing conditions of our modern cities, thus giving the advantages of a very flexible administrative organization.

Many recent charters give the council the power to create, alter or abolish the city departments, but they all set up an initial organization which in practice renders the change more difficult and which is awkward and confusing in allowing the charter to be, in effect, amended by ordinance.

Adaptable as is the organization in Escanaba to the needs of the city, the utilization of the personnel of the

administration is not less so. The manager is by the code given power to add to the duties of any officer, to require any department to perform work for another, to assign to the head of a department the work of a subordinate position in his own or in another department, and to assign any officer or employee to several employments in one or more departments.

In no other city has so completely flexible an instrument been placed in the hands of the council.

ASSISTANT MANAGERS RATHER THAN DEPARTMENT HEADS

Perhaps of more moment and certain to arouse more comment is the provision for a group of managers. Mt. Pleasant, Michigan, made a similar provision two years ago, but has not acted upon it. Escanaba is starting its new government with a manager and two assistant-managers.

A number of cities have provided for an assistant-manager in the sense of a deputy or vice-manager. The Escanaba plan is different. By the charter, the manager is head of all departments, until otherwise provided, as is the case in many municipalities. But when it is necessary to relieve the manager of some portion of his task, other cities have set up one or more department heads in addition to the manager. These new department heads in such

cities mark a notable change from the prior situation: the headships of the departments are henceforth divorced from the manager's office. Escanaba, on the contrary, keeps the headship of every department where it started—in the manager's office. It does so by assigning the direct management of a department, when necessary to relieve the manager, to an assistant-manager, and as many assistant-managers may be employed as the council shall determine.

The Escanaba plan of placing assistant-managers at the head of all departments not directly handled by the manager himself, is not a mere question of title. It will effect the character of the man employed, and it will vitally affect his relations with other administrative officers. Instead of tending to bring to the head of a department a man with merely technical qualifications, it requires a man with some of the qualifications, at least, for city-management. Instead of putting a department head in the position of relative isolation in which he is responsible only for his own department and usually doesn't care a fig about the success of other departments, the Escanaba plan will inevitably instill into the little group of managers, the chief and his subordinates, a high degree of unity, and a sense of common responsibility and interest in the administration as a whole.

This plan will not appeal to the manager who prefers czarist methods. But it avoids affecting in the slightest the complete responsibility of department heads to the manager, or his exclusive responsibility to the council, while it enlists the spirit of co-operation in a way those methods can never attain.

WILL TRAIN MANAGERS

The effect of the Escanaba plan on the development of the assistant-managers after they have taken office, is not to be overlooked. At the present time there is no group of men which has in any marked degree the qualifications required for city-management. The idea sometimes held that engineers constitute such a group is entirely erroneous; its only basis is that engineering is one of the important activities of the city. Some knowledge of the tasks of city administration is necessary, but executive ability is the one great qualification and it may be found here and there in many groups, but not as a common characteristic of any group. The opportunity that a plan like that at Escanaba offers for the development of executives and the broadening of their knowledge of municipal affairs, may create a group of younger men to which cities, now searching vainly for proper managers, may in future turn.

OLD AGE PENSIONS FOR PUBLIC SERVANTS

AN ALTERNATIVE PENSION SCHEME FOR GOVERNMENT EMPLOYEES¹

BY LAWSON PURDY

FOR various reasons a pension system is valuable. For all persons who enter the service after the establishment of the system the various advantages of the pension are part of the contract of hiring. It is a mistake to speak of a contribution being made by the employee even though he accepts service for a lower present wage than he would receive in other employment. He accepts service for a present wage and deferred benefits of various kinds. Even though this be true the cost to any city in actual annual expenditure for wages and pension contribution doubtless will be more than a straight payment of wages without payment of any pension. Most men are so constituted that they will do more for a present payment than for a more valuable deferred benefit.

OTHER PENSION SYSTEMS EXPENSIVE

The commission on pensions of the city of New York found that in 1914 after seventy years of operation London police pensions amounted to 30 per cent of the payroll; French civil service pensions to 17 per cent of the payroll; Austrian civil service pensions to 33 per cent of the payroll; and Berlin civil service pensions to 37 per cent of the payroll.

¹ Mr. Purdy offers this as a minority report of our Committee on Pensions, whose report was published in the April (1922) REVIEW. It is to be emphasized that the plan here proposed is only an alternative to be offered employees to whom the ordinary pension scheme is not attractive. Ed.

On the basis of the computations of various commissions it seems that it would cost at least 10 per cent of the payroll to give half pay pensions to persons 60 years of age after 35 years of service, and to give them in addition any reasonable insurance against death and retirement for disability.

While a pension system such as we propose would be an asset to the city in securing better service and in social advantages, nevertheless, when it has reached a certain stage its cost is an annual burden which will not decline. It is possible to make part of a pension system a financial asset instead of a financial liability.

The usual pension plan has as little as possible of the co-operative features. Each employee who pays money into the fund is supposed to get that money back with interest if he retires. His beneficiaries get it if he dies. In addition he is insured against disability and against death. It is obvious that all these advantages must be paid for. Under some conditions absolute mutuality and co-operation are desirable just as they are in life insurance or fire insurance. In ordinary fire insurance by the aid of a corporation various persons agree to contribute in certain proportion to rebuild the house of their neighbor who suffers its loss. In the case of ordinary life insurance certain persons agree to take care of the dependents of one of their fellows who dies. Those who live long have the satisfaction of knowing that their

families are protected and the further satisfaction of caring for the dependents of those who die.

The plan we propose for an old age pension has exactly the same mutuality and co-operative features as life insurance. Those who die help to take care of those who live to old age. So long as they live they enjoy the satisfaction of knowing that if they live to a great age they will be cared for. They have the satisfaction of knowing that if they die they have helped to care for their comrades in their old age.

INSURANCE FOR ONE WHO HAS NO DEPENDENTS

There are many employees in any large service who have no dependents; others who have insured their lives for a sum greater than is proposed in any pension system; others who have insured themselves against disability or can so insure themselves. There are still others for whom there is adequate provision for dependents and whose sole concern may be to provide a sufficient income for their own old age. For such persons the following plan is better adapted than any pension system that has been proposed heretofore, and it is recommended as a substitute for any employee who so elects.

Let us assume for the sake of illustration that 1,000 persons of the average age of 25 years enter a city service annually and that the number of persons now in the city service, who are not over 70 years of age, would be that number who would be living at the present time if 1,000 persons had entered the service annually for the last 45 years, and those persons had all been of the average age of 25 years. We start our system then with employees of various ages, the majority of whom are less than 45 years old. Create a capital fund the principal of which shall never be spent by making a

contribution on behalf of every such employee to this capital fund annually. That contribution might be given in addition to present salaries or it might be deducted from present salaries, or the expense might be shared. Persons hereafter entering the service would enter on the basis of a certain sum received annually for themselves to spend now and a certain sum contributed to a capital fund for their benefit. The essence of this plan is the preservation of the capital fund intact forever and its constant increase.

WHAT EACH WOULD RECEIVE

For purposes of illustration we obtained certain calculations from an actuary, which were based upon retirement at 70 years of age. We regard this age as too old. The figures illustrate the principle and the benefits would be reduced proportionately if the retirement age were 65 instead of 70.

When an employee reaches 70 years of age he is entitled to retire and draw a pension. His pension would be the earnings of his own contributions, plus his share of the earnings of persons of the same age as himself who died before him. He would also be entitled to a per capita share, together with all other pensioners, of the income of the general endowment which would be created by the death of all persons of a year class.

In order to make easy computations I have used the sum of \$150 a year as the uniform contribution for every employee. This sum is based on a salary of \$1,500, being 10 per cent of that salary. There are comparatively few employees in the large cities now who receive a smaller salary at 65 years of age. Policemen in the city of New York now start at over \$2,000 a year, and teachers after a few years of service are receiving over \$2,000. At the end of 50 years a person who was 70 years

old would receive \$1,842 a year; a person 75 years of age would receive \$2,517 a year; a person 80 years old would receive \$3,186. One who is 90 years old would receive over \$22,000.

At the end of 75 years the general endowment fund would amount to over 300 million dollars, and at the end of 100 years to over 700 million dollars. The increase thereafter would be 150 million dollars every ten years. All this would be accomplished by the contribution of 1,000 persons entering the service annually and paying \$150 a year. It is quite obvious that after the fund has been in operation for a moderate length of time, the annual income would be sufficient, not only for pensions but to make the contributions for persons subsequently entering the service. Thereafter the income would be sufficient to pay pensioners and pay all contributions to the pension fund and still leave a large surplus for other purposes.

INCOME

| | <i>At the Age of</i> | | |
|----------------------|----------------------|---------|----------|
| | 70 | 80 | 90 |
| After 50 years..... | \$1,842 | \$3,186 | \$22,000 |
| After 75 years..... | 4,456 | 7,346 | 55,335 |
| After 100 years..... | 8,451 | 10,843 | 62,352 |

The above table will show the amount which could be paid in pen-

sions from the fund after 50 years, 75 years, and 100 years, at the ages of 70, 80, and 90. All computations are based on 4 per cent as the rate of interest.

It might be deemed undesirable to have pension payments rise to such a high figure as \$60,000 a year for persons receiving a salary of \$1,500. The amount can be regulated in accordance with any contract that may be made with any employee entering the service. If a maximum sum is fixed as the payment to employees, the balance can be used to meet annual instalments at an earlier date than would be the case if the entire fund were distributed to pensioners.

If any city should start such a plan as this, it might well permit any employee leaving the service to continue to make the annual payments. In any event he would be entitled, upon reaching age of retirement, to draw the income for which he had paid. It might also permit any citizen to make such payments into the fund as he might desire provided the payments were in reasonable amounts and at regular intervals. Thus any citizen could share in the great advantages which would come to those entitled to pensions.

THE FAILURE OF THE MUNICIPAL LODGING HOUSE

BY STUART A. RICE

Formerly Superintendent of the New York City Municipal Lodging House

The city of New York has been expending \$1.50 per night each for the lodging of homeless men and women, when better accommodations were being sold at the Mills Hotel for 40 cents. :: :: :: ::

THE cost per inmate per diem of the New York Municipal Lodging House in 1918 was \$1.56. In 1919 it was \$1.53.¹ Included in these per capita amounts were expenditures for food for the inmates amounting in each year to about 8 cents per capita. Since the Mills Hotel offers food to its guests "à la carte," the municipal expenditures fairly comparable with its 40 cent rate during the two years referred to were \$1.47 and \$1.45.

MILLS HOTEL PREFERABLE

There are differences, however, in the services provided at the two establishments for these amounts.

Should you become a guest of Father Knickerbocker at his municipal inn, you will be urged after supper to disrobe and wet yourself under the showers. Should the invitation be neglected, you may be scrubbed. If you have arrived early, you will then wait around in a somber-colored night gown of uncertain fit to "see the doctor." You will probably see him, though it is a question whether "the doctor" will see you. With the practiced eye of a Bellevue Hospital interne, he takes in the whole line at a glance. Your clothing will be sterilized while you sleep: that is, if you are able to

sleep amid the cadence of a hundred human windpipes in various keys from the double-deck beds in the dormitory about you.

At the Mills Hotel, a lobby occupying the entire main floor offers you a library, writing materials and after-dinner ease. The "fumigation" is omitted; the bath, though optional, will be more willingly taken, and "the doctor" is only on call. The 40-cent rate provides a single room with bed, locker and chair, having outside ventilation. Standards of cleanliness are about equal at the two places.

The writer has been a repeated "guest" of both establishments and superintendent of one of them. He believes that an actual trial would bring the reader to his own opinion: Of the two, accommodations at the Mills Hotel on the whole are *worth more*.

We seem to be examining, then, a municipal service whose cost of production is 350 per cent of the retail sales price of a similar but superior service in a nearby establishment.

The objective explanation of this curious fact is summed up in the word "overhead." There is no material fluctuation in the demand for rooms at the Mills Hotel. The nightly registration at the municipal lodging house, on the other hand, shows periodical rhythm in three well-defined respects. There is a weekly Saturday night "peak," an

¹ See annual reports of Department of Public Charities: 1918, pages 10-17; 1919, pages 18-19. These are the most recent reports that have been published at the time of this writing.

annual December or January "peak" and a cyclical "peak" corresponding to the periods of maximum industrial depression.

Thus, from the mid-winter "peak" early in the "hard times year" of 1915 to the summer "hollow" in the prosperous year which followed, the institutional census declined in the ratio of 26 to 1. The decline continued gradually through the four years that followed. Hence an expensive and well-equipped plant, prepared to accommodate nearly 1,000 persons, has frequently received a number of applicants smaller than the staff of employes necessary to operate it.

In 1918, the inmates received but *one-fourth* of the food consumed by the institution.² Officers and employes received the balance. In 1919 (in the face of an aggregate census increase of more than 16,000) the ratio of food consumed by the inmates with reference to the total dropped to *one-fifth*.³ Throughout these two years, an average of two officers and employes were maintained in the institution for every three lodgers admitted.

A HYBRID INSTITUTION

But the objective explanation is less significant than the subjective reason behind it. The municipal lodging house as an institution has not justified its existence to date because its functions and purpose have never been logically formulated and agreed upon. Unlike the hospital, or the home for aged and infirm, it has not yet developed a recognized field of its own, with a clear-cut organization and defined

responsibilities. In consequence it is a *hybrid or mongrel institution*, incoherent in policy and extravagant in operation.

The truth of these assertions will not be so apparent as the objective indices of inefficiency first mentioned.

The present New York municipal lodging house was completed in 1909 under authority granted by the state legislature in 1886. It is a seven-story, fire-proof building which cost about \$400,000. It is provided with heating plant, laundry, eight huge formaldehyde and ammonia sterilizing chambers, a fan-ventilating system, steam cooking apparatus, a refrigeration plant, an elevator and minor equipment. Double-deck beds in three full-floor dormitories will accommodate nearly 800 men. One floor is given over to women, another to employes and a third to dining rooms, kitchen and administration.

The law provides that applicants for "shelter" shall be given food, a night's lodging, bath and disinfection of clothing, free of charge. It originally stipulated that "no person shall be received more than three times in any one month. . . ." The person who thereafter returned, or who refused to do the work assigned him, was to be regarded as a vagrant.

So far as any theory of social amelioration is discernible in this law, it may be described as the concept of *emergent shelter* for able-bodied and temporarily stranded individuals. In periods of industrial depression, emergent shelter is the outstanding service demanded by the situation. Such periods were the winters of 1913-14, 1914-15 and 1921-22. At these times, the applicants at the lodging house are prevailingly vigorous young and middle-aged men who "want nothing but a job." "A job" is substantially all they need to make them independent workers. Meanwhile they must be supplied

² Inmates, \$3,949.03; Employes, \$10,047.64; "Maintenance of officers including food," \$2,744.36.

³ Inmates, \$3,926.87; Employes, \$10,686.72; "Maintenance of officers including food," \$4,457.36.

temporarily with a few fundamental necessities—food, cleanliness and a bed—to “keep ‘em alive.” It is proper that they should be required to work for these things as they receive them.

The “shelter conception,” however, has no adequate place in its scheme of service for the crippled, the mental defectives, the demented, the drug addicts, the alcoholics, the sick, the diseased, the epileptics, the run-away boys, the hospital convalescents,—who are at the same time without home or money. “Keeping ‘em alive” for a few days by the scant provision of “shelter” in return for labor, and then turning them away, is merely destructive.

THE “EMPLOYABLE UNEMPLOYED”

If the mass of applicants during any one of the five *normal* years prior to the past winter were classified, it would be found composed, in the main, of individuals belonging to just such types as we have enumerated. They constitute an irreducible minimum of patronage for the institution. It is the “employable unemployed”—who merely “want jobs”—that provide the extremely fluctuating element in the institutional census.

There are thus two distinct problems of homeless dependency with which a municipal lodging house will be confronted. There is first an *emergent demand* for temporary shelter for the homeless unemployed. This demand is appreciable only at times of industrial crisis or depression.

There is second, a *continuing problem of social pathology*, reflecting the inability of individuals to master the problem of self-support, even under the most favorable conditions. The requirements of the second situation are analogous to those encountered in a reception hospital. They involve the *observation and analysis of ailments*

with which the individual is no longer able to cope. Medical, mental and social clinics, thoroughly equipped and possessing powers equivalent to those of the local health authority, would be essential to an adequate organization of this part of the task.

When the analysis (or diagnosis) was complete, there would then be the function of *clearance* to specialized institutions or agencies that would undertake the longer, or perhaps permanent, responsibilities of supervision, custodial care or social rehabilitation, as the case might be. Even a relatively small community would be able to command the services of a variety of specialists for this purpose.

As in the case of all human phenomena, there is no clearly distinguishable dividing line between the two types that we have described. The types, or modes, themselves, however, are definite, and the requirements of institutional method in the case of each are clearly defined and distinct.

The confusion of the two tasks has hindered all endeavors to realize a practicable ideal of service for the municipal lodging house in New York. Its physical plant proved entirely inadequate to the task of emergency shelter in 1914 and 1915. The demands upon it were two and one-half times its maximum capacity and a make-shift “annex” was resorted to. The same physical plant, on the other hand, has been *far too large and too crudely wholesale in proportions and equipment*, for the more intensive and continuing tasks that, had they been performed, would have justified the institution’s existence between 1916 and 1921.

IDEAL OF A HUMAN REPAIR SHOP

The splendid ideal of a “great human repair shop” visualized by Commis-

sioner John A. Kingsbury in 1914⁴ was impossible of execution because the institution was flooded with men who needed nothing much in the way of repair except a job—and jobs could not be found or made for them. When the flood had subsided, the “repair shop” conception might have made its permanent and legitimate growth, were it not for the unwieldy plant devised for wholesale “shelter.” Both the heavy “overhead expense” which the plant entailed, and the general acceptance of the “shelter concept” that is embodied in the plant, have tended to prevent a development of the municipal lodging house in the “repair shop” direction.

AN APPLICATION BUREAU, NOT A LODGING HOUSE

To any American city willing to attack its problems of “social inadequacy” individual by individual, according to case-work methods, the writer unhesitatingly recommends the establishment of an “application bureau” for homeless men and women. Do not let it be called a “lodging house.” The bureau should be flexible, without costly apparatus, but with generous control over the specialized services of expert diagnosticians—physical, mental and social. While providing for the immediate physical needs of its applicants, the chief concern of the bureau will be to analyze the conditions under which their lives can be made of maximum value to themselves and to society in the future.

The location and the arrangement of

the bureau will depend upon circumstances. It may be located at the health center, if there be one. It should be closely tied up in working arrangements with the public employment office. It should be prepared to expand, equally ready to contract, but *open all the time*.

The bureau will be completely effective in any city only when it becomes impossible for men and women to live without work by exploiting sympathetic sentiment. To this end, the co-operation of police authorities, philanthropic societies and the general public must be sought. A campaign of education to eliminate alms-giving may be initiated. Vagrants and street beggars should be brought to the bureau under police persuasion, but without avoidable publicity, for voluntary application to the bureau should be encouraged.

The bureau may or may not have facilities for lodging applicants under its own management. Circumstances may make it more practicable to issue tickets to lodgings elsewhere. For the protection of the public, whatever the arrangement, medical examination should always precede the assignment of a bed. For the same reason, power to quarantine or segregate or forcibly admit to a hospital if the case warrants it, should be exercised by the bureau whenever contagious or infectious disease, including active syphilis and tuberculosis, be encountered.

At the same time it would be desirable to secure the promulgation and enforcement of more stringent sanitary and health regulations in all cheap lodging houses, whether “philanthropic” or commercial. Registration and examination of the patrons of all such houses is desirable and will ultimately be required in progressive communities.

When industrial depression alters the character of the problem, as it periodi-

⁴ Annual Report, Department of Public Charities, 1914, page 13: “It is our hope to make the Municipal Lodging House something more than a mere sleeping quarters for tired, hungry men out of work. We aim to make it a great human repair shop, manned and equipped to rebuild the broken lives of those who enter its doors for help.”

cally will, local circumstances will again dictate whether special quarters will be opened for the unemployed workers or whether they will be distributed among existing establishments. At all events, the application bureau should be the point from which admission to sleeping quarters is obtained. A continuing central register of all applicants will be found of utmost value. It will

make possible the detection of the inevitable and dangerous tendency for a man who is unemployed to become unemployable.

Unemployment gives a profound impetus toward physical and moral deterioration. The social problem of greatest magnitude when normal men are out of work is to prevent dependency from becoming degradation.

THE ILLINOIS CIVIL ADMINISTRATIVE SYSTEM—WHAT IT HAS ACCOMPLISHED

BY A. E. BUCK

New York Bureau of Municipal Research

The Illinois code system is now being put to the real test. It is in the hands of an unsympathetic and patronage-seeking administration, but it has not failed as many of its critics thought it would. In fact, it continues to stand out in sharp contrast to the old order of things.

THE adoption in 1917 of the Illinois civil administrative code is significant not only because the code set up a consistent and uniform system of administration for the state, but because it was the beginning of a far-reaching reform in American state administration. The code system has now been in operation over five years. During this time it has been the means of systematizing the state's business and of giving to the people of the state better service at less cost. These results alone justify the code system.

But critics of the system have said: "Just wait until the Lowden administration has ended and see what happens." They implied that when the system came to be operated by another administration it would work very poorly, if at all. In fact, they seemed quite convinced that it would be worse than the old organization with its multitudinous boards and commis-

sions. Actual experience, however, has shown that this is not true. The system has withstood a complete change of administration. In 1920 the man whom Governor Lowden favored as his successor was defeated, resulting in the election of Len Small. Governor Small came into office over a year and a half ago and, as is to be expected, he replaced the Lowden men who were serving as department heads with men of his own choice. Since he could appoint only nine such men, he undoubtedly selected them with greater care than if he had been appointing a hundred or more as was the case under the old scheme of organization. He did not, as he might have done, replace all of the forty subordinate officials that served under Lowden as assistant directors and division heads in the nine code departments. A number of these were retained in the various departments to give continuity to the

administrative work. The rank and file of the state employees, being under civil service, continued as before.

Although Governor Small has given a great deal of his time since he has been in office to keeping out of the penitentiary, the administration has, nevertheless, moved along more expeditiously and with better results than was possible under the old scheme of organization. Critics of the system may again suggest that this is because of the momentum given to it by the Lowden administration. Granted for argument's sake that it is purely momentum, the state government is still better off than it was before the code was adopted, since the type of organization that preceded the code organization was unable even during the best periods of administration to acquire enough momentum to carry it along. Under the code system the state is certain to have good administration at least part of the time, whereas under the old scheme of organization the administration was almost always wasteful and inefficient. Through the system now in operation the people will in time come to appreciate and to demand good government, thus electing to office abler state executives. Under the old scheme of government this would not happen.

It is safe to say that many of the methods introduced by the code system are now so well established that they will continue despite the political character of administrations, like the present one, that may now and then get into power. Some of the most striking results of the code system are well worth pointing out.

DEPARTMENTALIZATION OF ACTIVITIES

More than 100 administrative agencies were abolished by the code and their functions brought together in

nine closely related groups called departments. These departments are: (1) finance, (2) agriculture, (3) labor, (4) mines and minerals, (5) public works and buildings, (6) public welfare, (7) public health, (8) trade and commerce, and (9) registration and education. Each of the departments has a single head, called a director, appointed by the governor with the senate's approval for a term of four years (same as that of the governor).

The work of the administration has not only been departmentalized, but it has been integrated within the departments. Each department has arranged its work in groups called divisions. At the head of each division is a single person, called a superintendent, who is directly responsible to the head of the department. In this way the line of responsibility from the governor through the department head and division chief to the lowest employee is clearly established. When work is neglected or not done properly, the blame can be definitely fixed.

A very important element in carrying on the administrative work is the co-operation that is made possible by the code reorganization. If one department has a rush period of work and another department has a lax period at the same time, employees from the latter department may be transferred temporarily to the other department until the rush period is over. In determining the depreciation and need for repairs of institutional plants and buildings for budget-making purposes, the department of finance secures the services of engineers and architects from the department of public works and buildings. When the purchasing division is called upon to purchase livestock for the institutional farms, the purchasing agent gets a specialist from the division of animal industry of the department of agriculture to assist him.

Under the old non-integrated scheme of administration with its numerous independent organization units this co-operation and utilization of office forces was impossible.

ESTABLISHMENT OF CABINET ADMINISTRATION

Perhaps the most important feature of the code system is the ease with which it lends itself to cabinet administration. Since this system has been in operation, it has been possible for the governor to meet with his department heads as often as he deemed it necessary to discuss administrative problems and to determine on general policies. Regular weekly meetings of the directors and assistant directors have been held at which administrative problems and policies have been discussed at great length. Largely because of these meetings the assistant directors, in three instances where the directors were removed by death, proved themselves quite capable to take up and carry on the work of the departments. One important result of these meetings has been the development of the idea of unity in administration. This tends towards co-operation instead of interference between departments. Under the code system of organization the departments no longer have anything to gain by competing with each other for appropriations.

SYSTEM OF FINANCIAL AND BUDGETARY CONTROL

The financial and budgetary control is exercised by the department of finance, which is one of the most important departments of the code administration. All expenditures of the other departments must be approved by the department of finance before the expenditure is made. This audit applies to contracts and requisitions as well as vouchers.

In this way the department of finance is continually gathering facts and figures that are of great value in passing upon the budget estimates. This department prescribes a uniform system of bookkeeping for all the departments and institutions, thus determining the form in which the information will be kept and presented for financial control and budget-making purposes. It has devised and put into use a standard classification of expenditures that is used both for accounting and budget making. Under the finance code, enacted by the 1919 legislature, the powers of the department of finance are extended in some degree over the non-code offices and agencies. The powers of the department, however, could not be made to extend as they should to these offices and agencies, because the most of them are constitutional.

Under this system of financial control the governor, any state officer, any member of the legislature, or any citizen can, at any time, get from the department of finance the exact condition of the appropriations that have been made to any code department or division. They can ascertain the amount of money expended, the amount of money involved in the invoices for supplies received that have not been paid for, the amount of money represented by contracts of all kinds that have been placed and for which supplies have not been received, and the amount of money still unexpended.

The state budget is prepared by the department of finance from estimates submitted by all the spending agencies. The superintendent of budget is immediately in charge of this work. After the estimates have been submitted they are checked up against the records and data kept by the department of finance and field investigations are

made wherever necessary. The estimates are then revised by the director of finance and submitted to the governor in budget form. Should the governor wish to make further revisions before accepting the budget of the director of finance as his financial program, he merely calls in his department heads and they go over the proposals together making such revisions as he may think necessary. In this way the needs of each department are correctly proportioned according to the needs of all the departments, and all proposed expenditures are carefully weighed in the light of the revenues available to meet them. When the budget has been finally revised and presented to the legislature by the governor, the administration presents a solid front in its support. If an officer of the code administration should go to the legislature and make an attempt to get the budget changed, the governor could dismiss that officer. This would not be possible where there are a number of more or less independent administrative boards and agencies. They might go to the legislature and completely upset the governor's budget plan; yet, he could not prevent it. Such a thing may happen in Illinois in the case of the independent constitutional officers over which the governor has little or no control. Further reorganization is needed in order to bring all of these officers with one exception—the auditor—into departments directly under the governor just as the present code departments are.

Under the code administration, the governor is not only given a staff agency (department of finance) to assist him in the preparation of the budget and to supply him with all the facts needed in budget making, but he is also placed in a position where he

can carry out the budget when the appropriations have been made by the legislature. While financial planning is important, a centralized authority to carry out the plan is even more important.

CENTRALIZED PURCHASING SYSTEM

All supplies and equipment for the several state departments, except those formerly supplied by the secretary of state, and for the charitable, penal and reformatory institutions and normal schools, are purchased by the division of purchases and supplies of the department of public works and buildings. The continued practice of the secretary of state purchasing some of the supplies illustrates how the existence of practically independent constitutional officers prevents that centralization of function which a logical development of the system would require. Five years' experience indicates that the purchasing work should perhaps be directly under the department of finance rather than where it is. The department of finance, however, has the power to prescribe uniform rules governing specifications for the purchase of supplies for the several departments. The division of purchases and supplies is headed by a superintendent who receives an annual salary of \$5,000.

Since it has been in operation, the division of purchases and supplies has made and supervised the purchase of supplies amounting annually to over \$5,000,000. The annual expense of running the division has been a little over \$30,000, thus making the ratio between the total purchases and the cost of operating the division about six-tenths of one per cent. Comparison with the salary costs and expenses necessary to do the ordinary amount of purchasing for a million dollar business

shows that the state work is being handled at even less cost than in the average business.

CONTROL OF DEPARTMENTAL REPORTS AND PRINTING

The superintendent of department reports in the department of finance has control over the form, editing and arrangement of the departmental reports. The reports of the different departments and divisions are prepared in such a manner as to make them most useful to the ordinary citizen seeking authoritative information regarding the state's work. Tabular matter is avoided as far as possible to reduce expenses of publication and to eliminate data of use to the relatively few. The manuscripts of all reports are submitted to the superintendent of department reports who has power to revise and condense where needed. The result is a concise and readable annual record of achievement, covering the work of the nine code departments and the adjutant general's office, bound in a single volume of from 500 to 800 pages. Prior to the adoption of the code there were thousands of uninforming pages of annual reports bound in many volumes and published at great cost to the state.

All state printing is controlled by the division of printing of the department of public works and buildings. Experience indicates that this work should be under the department of finance. Contracts are let each year after bids have been received on the different classes of printing. Letter-heads and envelopes are printed on a good grade of paper in a uniform style, thus saving a great deal of expense. As far as it is possible to do so, the blanks used by all departments and institutions are of a uniform and standard size. This enables a large supply to be printed at

one time and placed in the storeroom, thus saving expense and avoiding delay.

UNIFIED INSTITUTIONAL MANAGEMENT

A very important achievement of the code administration is the placing of all the charitable, penal and reformatory institutions of the state under one department—the department of public welfare. All the administrative boards of the twenty-three institutions of this character were abolished and the head of each institution is now appointed by the director of public welfare. These institutions house about 27,000 inmates and have about 4,000 employees. It takes about \$15,000,000 annually to operate them. In the department of public welfare is the fiscal supervisor, or business manager, of all the institutions under the department. He prescribes, in conjunction with the department of finance, the record-keeping system for all the institutions. He controls the business end of the work of the institutions. He gathers complete statistics on the consumption of food, clothing, and other supplies, and on the production of institutional industries. The department of public welfare also has a criminologist and an alienist. In connection with the department is an advisory and unpaid board of five members.

IMPROVED AGRICULTURAL ADMINIS- TRATION

Illinois, like most of the states in the middle west, must depend for its prosperity to a considerable extent upon its agriculture. The code organization has contributed a great deal to the improvement of the agricultural administration. Prior to the adoption of the code there were almost a dozen separate agricultural agencies scattered around over the state. The agricul-

tural interests fared very poorly under the management of this multi-headed arrangement. These separate agencies did not co-operate, the result being that large expenditures were made with small returns in service. The code abolished these agencies and consolidated their work in the department of agriculture. The fish and game work and the state fair are placed in this department. Under this arrangement the administration of the state fair is greatly simplified and the fair has been made a much more effective proposition. In connection with the department, there are a couple of advisory boards, one on agriculture and one on the state fair. These boards have no administrative duties and are unpaid. They serve largely to awaken interest in different localities of the state in the general program and work of the department of agriculture.

EXTENSIVE ROAD CONSTRUCTION

The reorganization of the public works activities under the code has made it possible for the state to carry on successfully, during the unsettled conditions of the past four years, one of the most extensive road building programs of any state in the Union. The 1919 legislature authorized \$60,000,000 in bonds for state-aid highways alone. All told the state is spending about

\$100,000,000 on the present program of hard road construction. Directing this work is the department of public works and buildings created by the code. All highway construction and supervision by this department is carried on by the division of highways and grouped under six working units—design, construction, maintenance, tests, machinery, and audits.

Two other divisions of the department of public works and buildings deserve mention in this connection. The division of architecture has brought the buildings of the state from a condition of dilapidation to one of comparatively good repair. It has prepared and supervised plans for many new buildings in conformity with a comprehensive program. In working out this program, it has kept constantly in mind the benefits to be derived by the adoption of typical units, insuring economy of construction, stability, minimum fire hazard, minimum future repairs, dignified and pleasing architecture, and the use of inmate labor as far as possible in construction. The division of engineering has taken care of the water supply of institutions, as well as the plumbing, sewer, and mechanical repairs. It has begun the installation of modern heating plants in the institutions with the proper recording of the consumption of coal and testing of the waste of heat.

THE PLACE OF THE MOTOR BUS

BY WALTER JACKSON

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Freedom from taxation has given the motor bus a momentary, unfair advantage. Nevertheless it has a place which is being recognized more and more. :: :: :: :: ::

IN 1919 the fingers of one hand showed a surplus when counting the number of electric railways operating motor-buses publicly, and not secretly as jitney-killers.

In 1920 the writer for writing and the *Electric Railway Journal* for publishing his studies on "The Place of the Motor-Bus in Passenger Transportation" received a choice collection of brickbats for daring to suggest that transportation for the masses at popular prices was a function that had nothing to do with the mode of propulsion; that mass transportation was a natural monopoly and therefore the electric railway as the principal carriers owed it to themselves to make use of the bus wherever it would fit. This was revolutionary, subversive doctrine to America, but a commonplace to Europe.

In 1921, the anti-bus feeling was still so strong that a convention of the American Electric Railway Association was stampeded into rejecting a constitutional amendment that would have admitted some eminently respectable bus operators to membership.

But by the end of 1922, the forces of reality had overcome prejudice so rapidly that nearly one hundred electric railways had found a place for the bus in their operating bosoms—not necessarily to make money, let it be marked, but more often to reduce the inevitable losses incident to serving sparse populations.

SOME BUS OPERATION IS ARTIFICIALLY
STIMULATED BY NOMINAL TAXATION

The foregoing record of movement toward the bus has not been given primarily for the sake of shouting joyously "I told you so," but rather to have the reader appreciate that the writer is more inclined to see the best rather than the worst sides of motor-bus operation. So his following references to the problem of taxation are not to be taken in the spirit of antagonism toward this marvelously flexible though yet immature form of transport.

When the question is asked: "What is the place of the bus and is that place so wide as to be likely to crowd out the electric railway"?, the answer must differ according to whether one makes a comparison on strictly scientific grounds or upon conditions as he finds them. This can be understood clearly enough by examples.

Early in 1921 the writer was engaged to make a survey of motor-bus opportunities on a large eastern city railway. These opportunities arose chiefly through the fact that certain unimportant extensions and cross-town lines had reached the point of rail and paving renewal. The cost of such renewal was so great in comparison with the traffic that the fixed charges alone were likely to exceed the cost of electric car operation. Under these circumstances, viz., say 50,000 to 100,000 car-miles per

mile of track per annum, the motor-bus was by far the cheaper.

Mark, however, that the comparison was based upon franchise and tax conditions as the writer found them; not upon a really scientific basis. Here was the unfairness: The bus would run at will over the paving without sharing in the cost of such paving; the car would have to pay for a steel and concrete runway all its own and, in addition, pay for the paving used by the rest of the community.

In one of the cases under study, an astonishing thing happened when the company announced that it would run buses instead of continuing rail cars. The community was in consternation at being deprived of the rush-hour through service made possible by the cars. It did not fancy a ride in a shuttle bus and then waiting for a crowded car half way down an important trunk line. It also feared that the bus service might be stopped some unlucky day and never be renewed. On the other hand, the presence of rails and wire was a symbol of permanence. What did the council do to persuade the railway to maintain car service? Why it relieved the railway of some \$60,000 paving assessment against the one mile of route! The lopping off of that sum made all the difference in the world as to which mode of propulsion would lose least money in the end—and so the electric railway staid.

On the other hand, the same company has taken up the rails elsewhere because renewal and extension of a light-traffic branch with highly fluctuating traffic would have been most unwise. The bus meets this particular condition admirably since its route can be drawn out or pulled in according to circumstances.

Here, then, we have one case where the removal of the paving burden on the car deprived the bus of its advan-

tage financially; and second a case where the flexibility of the bus gave it an innate superiority entirely independent of factitious aids.

Generally speaking, the greatest of the unfair handicaps on the electric railway is the paving charge. Few will pretend that this is other than a tax for a franchise rather than for actual wear of paving. Aside from the paving charge, are the various taxes which a community learns to impose as it seeks new sources of revenue from year to year. Besides taxes, one may add the cost of being regulated. It is no trifling matter for a small electric railway to be obliged to spend hundreds of dollars merely to petition for a *reduction* in fare; not to mention the cost of trying to secure an increase in fare! On the other hand, there are still plenty of states and cities where the bus operator changes his fares through the simple expedient of reversing his sign or printing a new rate card.

TAX-FREE ADVANTAGES OF BUS ARE TEMPORARY

Anyone can see for himself that where such inequality in taxation and regulation of service obtains, the motor-bus will often find a place to which it is not entitled. It will not do the community any good to permit this kind of development. First, it loses those large sums in taxes which it must secure some way. As the eventual payer will be the transportation system, it follows that the bus successor will have to pony up in time. The only way it can do so is to raise the fare. Second, the community loses that strict control over the transportation system, which it now enjoys. It can apply a lot of pressure to an organization that has most of its capital in fixed property. It can never apply such pressure to a concern which has put most of its investment in movables! Many an

electric railway has hung on merely to make its fixed charges; but no busman would stick to the ship if he could not make some real money.

So as a matter of community self-interest, bus operation ought to be handled by the organization—the electric railway—which already has a stake that cannot be pulled out quite so readily as that of a circus tent.

As matters are moving now, the practically tax-free bus is doomed. Several states have a gallonage tax which is a direct charge upon the bus operator according to mileage; Maryland has a seat tax; New Jersey has a gross earnings tax; California has stringent regulation and standard accounting systems for bus operators; and in more and more states the certificate of necessity and convenience is putting an end to the anarchic competition that has hurt the pioneer bus operators as much as the electric railways which they attacked.

At the same time, we are a long way from a general settlement. This is particularly true in cities that have been allowed to retain jurisdiction over jitney operations. One administration may pass an act demanding and securing adherence to routes, rates of fare, accident insurance and the like—and this generally cuts down jitney operation to the point where it is giving a service to neighborhoods that ought to have been cared for by the electric railway's own bus department. Along comes a hostile administration and knocks all preceding regulation into a cocked hat, either by repealing or by failing to enforce them. Obviously no city electric railway can live under such alternations of peace and war.

RAILWAYS SHOULD RUN BUSES

The writer has maintained from the first that the quickest way to put the

bus and the street car on the same plane as to taxation and regulation is for the railways to go into the bus business wherever they ought to do so. The reason lies in human nature.

So long as the bus is run by the individual jitneur, so long will the community's sentiment for the "poor workingman" restrain it from demanding safe, clean, reliable service and imposing a rate of taxation fairly comparable to that exacted from corporations which, in the eye of the non-stock and bondholder, are always rich.

On the other hand, let the corporations take up the bus, and the legislatures and councils will be quick to tie the bus operators into as many knots as the car operators. In passing such measures, they will necessarily have to treat all bus operators alike—whether individual or corporation. In at least one instance, this has come to pass with such celerity that the bus-using railway involved wishes now it had not been quite so emphatic about the tax-dodging of the bus services it has since superseded.

WHAT WILL HAPPEN WHEN THE LEGISLATIVE DICE ARE NO LONGER LOADED?

The one most important thing that can happen will be the protection of mass transport systems against the individually-owned, unreliable jitney bus. The term "mass transport systems," of course, is intended to apply to the local organization supplying all the popular price transportation of the district, whether electric, gasoline or both. When such protection is effective, there will still be ample room for the motor-bus without forcing of excessive abandonment of track. There will be no more situations where an electric railway charging a 10 cent fare is crowded out by jitney buses, which promptly raise their fare to 15 and 20 cents when the railway is gone.

But there will be many more installations such as these:

Extensions of city lines through thin territory as one form of payment for monopoly rights.

Belt or cross-town routes as another form of such payment.

Alternative, higher-fare short cuts via bus where the railway follows a roundabout route.

Development of residential districts—possibly at higher fares—in preference to laying down rails and putting up wires.

Replacement with buses on other streets of track routes no longer located to best advantage.

With regard to the last item, the writer has in mind a city of 30,000 where a large portion of the worn-out track system will be supplanted by the company with buses on other streets. In this particular instance, the town refused to grow as the railway builders had planned. By the time the franchises were up for renewal, the track was in such shape as to be practically worthless. Furthermore, most of the routes were in single track, so that neither the headways nor adherence to schedules was as good as required for a community that has tasted the speed of the private automobile.

In this instance, the advantages of the bus are: Utmost flexibility in adapting the routes to the shifting of the population; no greater overall cost because of low investment charges; freedom from paving burdens. It should be understood that this relates to a community where the best headway is not likely to be under ten minutes. If it were to be five minutes, then the electric railway would be cheaper. Even if electric railway operation of some routes should be desirable later, it is proper to start with the bus because the traffic which the shifted and the entirely new routes will bring

is still a matter of estimate and speculation. A mistake with a bus route is only temporary; but with a track it is permanent.

There is no doubt that electric railways would be willing to make much greater use of the bus for rerouting if they could only find some way of amortizing or writing off the sup-
planted trackage. This is a real problem, for it often happens that the track to be abandoned is part of an underlying system whose owners have been promised a certain rental for many years to come. In such cases, the operating company cannot treat a bus installation by itself, but must figure on having the bus earnings take care of the old as well as the new investment. This is one reason why some electric railways would rather be relieved of the paving burden and continue to give rail service, even if that service is transferred to another street. A large system can absorb the writing off of one to five per cent of its trackage, but the small railway that has to face the re-routing of one-third to one-half its mileage is in an entirely different situation. In short, the mass transport systems are facing again the necessity of taking heavy losses due to advances in the art, just as in the change from horse to electric traction and from the two-man big car to the one-man small car.

HIGHWAY TROLLEY AND CITY-STREET INTERURBAN MUST ALSO ADOPT BUS

When our highway trolleys and "city-street" interurbans were built, the automobile and the paved highway were in their infancy. Before the jitney bus became a factor, this class of railways had already suffered severely from the use of private machines; and this was aggravated, of course, when the unregulated competitor came on the scene to take away the rest of the

traffic. It cannot be said that the buses as a rule offered a more agreeable mode of travel than the cars. However, just as the interurbans had taken steam traffic through offering a two-hour instead of four or six-hour headway, so did the buses gain business by cutting the electric headways. This kind of competition has been successfully met by several interurbans through going to one-man car operation and shorter headways. In this respect the highway trolley is less fortunate than lines operating mainly over right-of-way. It suffers more interruptions toward attaining fast schedules and it cannot add sidings so easily or cheaply. Abandonments of such lines have been followed by bus services, the fare sometimes being raised when it is certain that the electric has gone forever.

What has been said about city systems going into bus transportation applies equally well to many of these handicapped cross-country or interurban railways. They themselves should go into the game with a view to meeting public needs without sinful waste of capital. The passenger wishing to ride from terminal to terminal is no longer willing to put up with a railway that has to trail through the cities, to stop every half mile or so along the

highway or right-of-way and to hang about at sidings because of car or signal derangements. That same passenger may be willing to pay more than the electric overall fare if he is given a non-stop limousine stage seating fourteen to eighteen patrons which assures him all the comfort of luxurious automobile travel with none of its responsibilities and at a lower cost than personal operation. This co-ordination of the service—the electric line for locals and the motor stage for expresses—has already made good on several interurbans and it is bound to make good on many more. The fact is that these stages take much more business from the personal car ranks than they take from the rails, aside from which the novelty and shorter headway of the stage creates other new business.

CONCLUSION

In this necessarily sketchy review, the writer has pointed out that the electric railways as a class no longer oppose the bus; that they want to see the bus on the same plane of taxation and responsibility as the rail in order to have scientific grounds for choosing between rail and bus hereafter; and that their hardest problem is writing off lines supplanted by buses.

THE CAREER OF THE DIRECT PRIMARY IN NEBRASKA

BY RALPH S. BOOTS

University of Nebraska

Nebraska's long experience with the direct primary is related and appraised by one who has made intensive studies of nominating methods in various states. The primary in Nebraska is free from machine control. It is more of a "free for all" than in the east. :: ::

In 1871 the Republican party in Nemaha county tried once a plan of nominating candidates almost identical with the "Crawford county system." In 1887 an optional primary law was enacted. This primary was not very carefully "closed" and "the low ethical standard of practical politics permitted certain abuses to creep in,"¹ i. e., numbers of Democrats voted in Republican primaries. Party affiliation was more clearly defined in 1899, and in cities where registration was required, failure to enroll barred from the primary. The Republican city committee in "very corrupt" Lincoln yielded to public sentiment and in 1896 accepted the optional plan and added a "run-off" to assure majority nominations. The voters seized upon the opportunity with avidity. In five years between 1896 and 1905 the primary vote equalled or exceeded the general election vote. Such a condition arouses the suspicions of the skeptical. In the only other sizable city in the state, Omaha, the optional plan was partially applied by the Republicans.

DIRECT PRIMARY MADE COMPULSORY IN 1907

Both party platforms in 1906 pronounced for the direct primary and the

¹The study of the Nebraska primary by Mr. N. H. Debel, published by the Legislative Reference Bureau in 1914, was used in preparing the historical portion of this article.

legislature of 1907 responded with provision for a state-wide, compulsory, closed primary applicable to all but municipal elections in cities of fewer than 25,000 inhabitants, and village, township and school district elections. The designation of aspirants is accomplished by personal application or the application of twenty-five qualified electors of the party with which the person designated affiliates. Filing fees of five to fifty dollars are required. The nominees of each party for the county offices were authorized to select the county committees. The state conventions, consisting of delegates from each county committee, might adopt platforms and select state committees.

Because the originally provided alphabetical arrangement of aspirants' names on the ballot under each office almost caused the nomination of a few unknown Messrs. A the rotation of names was substituted in 1909, to "distribute equitably the moron vote," as some one recently expressed it. It was estimated that first place on the ballot for a state office was worth from 20,000 to 30,000 votes. The closed primary gave place to an open one the same year, but so freely and amicably did the members of parties intermingle in the 1910 primary that the closed primary was restored the following year.

In 1909 it was urged that the conventions properly should meet before

the primary in order to devise platforms upon the basis of which aspirants might appeal for nomination; consequently by virtue of an amendment caucuses were permitted to choose delegates to county conventions and these to state conventions, to be held before the primary. County conventions chose county committees and state and other committees were chosen as the state conventions should determine. It was specifically enacted that "no action should be taken by said state convention either for or against any person who is or may be a candidate for any office that is to be voted on at the next general election."

Another law of 1909 provided for the nonpartisan election and petition nomination of all judges, the state university regents, and county and state superintendents of public instruction, in such stringent terms, however (forbidding nomination, endorsement, recommendation, censure, criticism, or reference by any political party, etc. . . .) that the state supreme court declared it was in conflict with three sections of the bill of rights. An act for the same purpose was vetoed in 1911, and finally in 1912 nonpartisan nomination and election of judges was secured. In 1917 the same method of selection was extended to the other offices included in the original proposal.

RECENT ATTEMPTED MODIFICATIONS

The most important feature of a law of 1919,—restoring conventions for the seven minor, political, elective, state offices,—was referred by petition and overwhelmingly defeated (1920) 49,000 to 133,000. The unrefereed parts of this law again fixed the time for the county and state conventions after the primary, and provided for the election at the primary of delegates to the county conventions and of one man

and one woman committeeman from each precinct.

An act of the 1921 legislature once more placed the conventions before the primary and exempted from the operation of the primary all delegates to national, state and local conventions and members of party committees. This included the national committeemen and delegates to national conventions. Caucuses, under the direction of the local committeemen, were to select delegates to the county conventions. The state conventions were authorized to "transact such other business as may be properly and legally entertained by such conventions," and the clause forbidding conventions to take any action respecting candidates was repealed, as was also the requirement that women constitute half of the county committees. This law was suspended by petition and will in all probability be defeated in November. The chairman of the Republican state committee in an argument in the publicity pamphlet, states that endorsement of candidates by political groups has been practiced in Nebraska during the last three years. The League of Women Voters submits an argument quoting, somewhat incongruously, selected statements of Mr. Hughes regarding the primary. The argument of the person who filed the referendum petition, and later objected to the ballot title drawn up by the secretary of state, and persuaded the district court to rewrite it, contains the following: "The primary law may need amendment but not by its enemies. There is no demand or need for political bosses. This act destroys popular control of the parties and restores to full bloom and power the old convention system."

Another act of 1921 made general the same registration and enrollment system in the main which now applies

only in cities of 7,000 inhabitants or more. This act was also referred and will likely be rejected. It was intended to prevent the prevalent cross-voting in the primary and was especially directed toward the nonpartisan leaguers. Apparently rural voters wish to vote where the voting is best.

NEBRASKA'S SACRED COW

There is not the least doubt that the primary is popular in Nebraska. It is almost a sacred cow. A few of its less ardent friends assert that this jealous popular attachment is partly the result of continued newspaper harping, not altogether without its relation to the amount of money spent in advertising by primary candidates. A majority, perhaps, of intelligent persons maintain that the primary broke the stranglehold of the public utility corporations, especially the railroads, upon the state. The railroads are said to have controlled all party conventions by the issue of free passes to their supporters among the delegates and indeed to nearly all public officials.

The primary vote, although not as large as might be expected on account of the strong popular sentiment for the primary, has probably constituted a larger percentage of the general election vote than in most other states. The record of participation for 1907-1912 annually and 1914-1920 biennially, has been: 39, 36, 45, 44, 57, 52, 60, 63, 60 and 50 per cent. This year the primary vote was the largest of all, considered absolutely, but only 13,000 greater than that of two previous years. The women have not participated extensively as yet or else the men are resigning in their favor.

LITTLE CHANGE AMONG OFFICE HOLDERS

It is generally conceded that the primary has produced little change in the character and ability of office hold-

ers, although in 1914, twenty-three replies to an inquiry brought the response that the quality of candidates had improved and thirty-two that it had deteriorated. During the last years of the convention system, however, it is said some unusually weak gubernatorial candidates were nominated.

In view of the violent denunciation of the convention system by many enlightened persons the small degree of change in personnel under the primary is surprising. One of Nebraska's present United States senators was a convention nominee for the house in 1902, 4, and 6; the other in 1898, 1902, 4, and 6. The primary has dealt charitably with the corruptionists! Only two other men have represented the state in the senate since 1907. One of these, commonly spoken of as a railroad senator, elected in 1905 after meeting only scattering opposition in the senatorial preference primary, had received convention endorsement for the house in 1898, 1900, 1902, 1904. The other, elected in 1907, after receiving the primary preference, had been a convention nominee in 1898 for the house, and in 1904 for attorney general. The former received primary preference again in 1910. The latter's party opponent had been a convention nominee for governor in 1902. In 1912 the Democratic primary preferee had been a convention nominee for the house in 1900 and 1902, and for governor in 1906. In 1916, the Republican opponent of Mr. Hitchcock had been a convention nominee for the house in 1904 and 1906. In fact, it seems that since 1905 only the Democratic nominee in 1918 had not previously found favor in a convention, and he was defeated in the general election by a Republican who had.

Of the twelve major party nominees for United States representatives this

year only two are "new men"; five were once convention nominees for the same office, two for judicial office, two for legislative office, and one was formerly chairman of a state party committee. In 1908 the first primary renominated in the six congressional districts of the state, five Republican and one Democratic incumbent, who had all been previously nominated by convention. Friends of the primary insist, and doubtlessly with a considerable degree of truth, that a man who receives a primary nomination is more responsive to popular demands than the same man when a convention nominee, although the primary must have taken such a man on trust for the first time.

NO DEARTH OF ASPIRANTS

For state-wide offices and United States representatives there cannot be said to exist any dearth of aspirants. In fact, the candidacies are at times so numerous as to prevent anything like majority nominations. The present governor was nominated in 1920 by 32½ per cent of the party primary vote. This year the Republican nominee for United States senator received only 34 per cent of the primary vote; the nominee for secretary of state 33 per cent; for treasurer 26 per cent; and for United States representative in the first district, 40 per cent. The Democratic candidate for attorney general received only 25 per cent of the primary vote and the candidate for treasurer 32 per cent. Nomination by a minority of the party vote is objectionable when the office is a policy-determining one, but the convention system cannot claim to have done any better than the primary.

This plethora of aspirants makes the voters' task extremely difficult. One may almost say that the primary for

minor offices is little better than a lottery. On the eve of the primary this year a number of students interviewed voters to learn how many were familiar with the names alone of the aspirants for the various nominations. With respect to the office of state treasurer, seventy-one of seventy-eight persons visited could not name a single aspirant, five could name one, one two, and one four. Inquiry for the names of aspirants for the attorney generalship were directed to seventy-two persons. Forty-one knew none, nineteen one, six two, two three, and one all. One voter out of the forty-nine consulted could name three aspirants for the office of railway commissioner, two could name two, seven one, and thirty-nine none. Among the aspirants for the office of sheriff, twenty-four out of seventy voters knew none, fourteen knew one, fifteen two, nine three, three four, one five, one seven, one eight, and two nine or all. Several voters insisted that if the aspirants were only named to them they then could tell their choices. One woman who had already voted by mail could not recall her favorite until the list of aspirants was furnished. Of course, perhaps half of the voters interviewed did not intend to vote at the primary.

The situation is aggravated by the fact that false candidacies are sometimes promoted to cut into the strength of an opponent. This is done more often in local elections. A correspondent from Omaha states that there are always such candidacies in Douglas county. It is believed by the informed that this year two men, perhaps themselves innocent of ulterior motive, were induced to file for the United States senatorial nomination in order to defeat Mr. Howell.

The filings for county offices and for state senator and representative, are not so numerous.

PARTY ORGANIZATIONS NOT DOMINANT

Nearly all the testimony is to the effect that the party organizations, as such, play an insignificant part in determining the outcome of the primary. Difficult as this is to believe, it must be admitted that if the organization acts, it covers its tracks with skill. Of course there are groups and cliques back of this and that primary aspirant. The writer has been told that no work whatever for the organization is required or expected of election officials, and presumably also of the more important appointive positions. Lack of time has prevented an intensive investigation but the reasons given for the organizations' neutrality are these: The organization is weak because of insufficiency of "pap," there is not enough "spoils" to support an organization. (In the main this would have been equally true under the convention system). There is not in Nebraska any tradition of party regularity, but rather one of independence of party, and there is no adequate number of hidebound partisans and wheelhorses to work with or upon. The quickest way to cause the defeat of a primary aspirant would be to have it known that he was an organization favorite. The voters resent any group support of a candidate and even look with suspicion and distrust upon newspaper support. Organization support is not considered fair play under the primary. And finally, should the organization fail to secure the nomination of its favorites, those it opposed would attack it; in short, participation in the primary would soon disrupt the organization. The party organizations have apparently become inert and inefficient under the primary, though the personnel remains much the same. No one cares what they do. And, of course, the selection of committeemen

and delegates has become, as in New York and New Jersey, a mere formality at the primary. Contests are rare and no filings are made in many instances. A considerable number of people would apparently abolish parties altogether if they could. Probably many men of political ambitions, however, now feel that their chances of success would be increased under another system, just as formerly the insurgents viewed the primary as an agency for cutting the ground from under those then in control. The organization generally believes the primary has lessened party enthusiasm and party loyalty and substituted what it likes to call "personal politics."

Nearly all are agreed that wide acquaintanceship is the chief factor in a primary aspirant's success, especially for nominations that attract minor attention. An "easy" name counts for much, and a well-known name for more. The name of the Republican nominee for railway commissioner is the same, with the exception of the middle initial, as that of the gubernatorial nominee. Some careful students of politics believe he was the beneficiary of the extensive advertising of the latter. The name of the nominee for secretary of state is Kennedy, which is also that of a man who made an intensive campaign for the United States senatorial nomination in 1918, and that of a well-known lawyer and former state official. One wonders all the more, in view of these facts, why it would not be easy for selfish interests to "direct" the primary, and, at least temporarily, entrench themselves in the state government.

There is wide agreement that the newspapers exercise little influence on the primary. A leading editorial writer says that they are not living up to their opportunities in this respect. The reasons are that the Nebraska

public generally does not seem to relish newspaper advice on politics, that it is difficult for an editor to be sure that he is backing the right man, and chiefly, especially with the smaller papers, that the desire to secure advertising patronage from all aspirants and an unwillingness to offend any or to furnish free what might be made a source of revenue, weigh heavily.

REGULATION OF EXPENDITURES

One of the most frequently heard objections to the primary is the expense it involves in making a promising campaign. It is probable that for the less important offices expenditures are considered extravagant and burdensome here that would be considered reasonable and proper in many states. But a prominent newspaper man says one can hardly be prepared to undertake a campaign for the governorship (including perhaps primary and election) with less than \$40,000 in his pocket. It is reported on excellent authority that there was spent in the interest of the Republican nominee for governor this year the sum of \$50,000. Lower estimates are \$15,000 to \$20,000. For each of three or four other contestants in the state and national field the expenditures must have reached at least \$10,000 to \$15,000. A person well acquainted in Omaha believes several thousand dollars from various sources were spent in backing certain candidates for sheriff.

The legal situation regarding election expenditures is peculiar. In 1899 a stringent limitation and publicity measure was enacted. It contemplated outlay for only personal expenses as in travel, and expenses for public meetings, and limited expenditures for these purposes to about \$1,000 for state-wide candidacy. In 1915 congressional candidates were exempted from the regulations limiting expenditures, and

perhaps also those requiring publicity. The proviso was added also for all candidates, that expenditures for stationery and postage, for writing and printing and distributing letters, circulars and posters, and for telegraph and telephone service, should not be regarded as expenditures within the meaning of the law and need not be shown in the expense accounts required to be filed. Candidates seem to interpret the law about as they please, although perhaps the majority regard the cost of newspaper advertising and of hiring personal services as required to be returned and to be kept within the limitations as to amount. There is absolutely no limit to the amount that may be legally devoted to many common forms of expenditure. Rather strangely, this legislation of 1915 seems to have caused little adverse comment. No expenses are filed which run above a thousand dollars.

The really serious defects of the primary, if indeed they can be regarded as peculiar to the primary system, are its failure to develop responsible and capable leadership, and the unwillingness of qualified and public-spirited men to ask for office through this form of popular election.

The primary in Nebraska, as elsewhere, offers an opportunity for the voters to take active control of their parties and their nominees when they desire earnestly to do so. It operates here in an unusually favorable environment as compared with many other states, and consequently the opportunity is seizable with much less exertion. It is the writer's opinion that practically the entire population of the state could have readily united in fighting the utilities, which were largely foreign; that smaller business is now economically in the saddle, especially banking business, and is roughly content with the primary

system. Some form of responsible recommendation would probably be an improvement here if the short ballot cannot be achieved. From Omaha comes the opinion that the

direct primary had little effect upon the old regular officeholders. "They still are entrenched in their places as a rule, and have little difficulty hanging on."

WANTED: CIVIC DRAMATISTS

THE PLACE OF THE MOVIES IN EDUCATION FOR DEMOCRACY

BY CLINTON ROGERS WOODRUFF

WILL H. HAYS, "the Sir Galahad of Motion Pictures," as a writer in an Unitarian weekly recently called him, is authority for the statement that about 15,000,000 people go to the movies in this country every twenty-four hours; that there are 18,000 motion picture theatres, with a seating capacity of more than 8,000,000 in the United States; that these people spend at least \$800,000,000 a year in admissions; that somewhat less than 50 per cent of the attendance on motion pictures is by children. Whatever the figures there is no question that the motion picture audiences represent the greatest field of opportunity the country now affords, far exceeding those afforded by Chautauquas, forums, lyceums or lecture associations. If these great, persistently great, audiences can be reached in the interest of higher civic ideals and can be utilized to develop a sound civic pride in worth while movements and developments, then there is no limit to their possibilities of usefulness.

HEALTH PROPAGANDA IN MICHIGAN

Much has already been done in the utilization of the silver screen in the education of public opinion, but it has been along much more restricted lines than is afforded by the utilization of the regular movie houses. Maude Van

Syckle tells a wonderful story of how motion pictures were utilized in a health educational propaganda. While attending the Mississippi Valley Conference on Tuberculosis at Des Moines she saw a demonstration of health films and the possibilities of their use in local work. On her return she recommended to the Detroit Junior Red Cross and the Tuberculosis Society, of which she was the executive secretary, that their peculiar educational value be taken advantage of in their educational campaigns. This was done, and extensive use has been made in Detroit and Wayne county of exhibitions of motion picture films by these organizations. The results have been astonishingly gratifying and prove the success of this way of presenting health propaganda.

These societies first utilized films in the modern health crusade work which was being introduced in the city and county schools. An operator was employed who arranged for exhibitions in schools, mothers' clubs, normal schools, churches, parochial schools, industrial clubs and factories. Permission was obtained to display the films at a monthly meeting of the medical society, at which was also exhibited a film on the diagnosis of tuberculosis, borrowed from the United States Public Health Service. She also se-

cured the co-operation of the Detroit Chapter American Red Cross, whose nurses exhibited the reels in the county schools, in churches, granges and mothers' clubs and in the chain of clinics conducted by the Red Cross jointly with her society throughout Wayne County. At the county fair, the reels were shown nightly in the exhibit of the Tuberculosis Society. At the state fair, they were shown nightly in the Red Cross tent.

Next the interest of the Michigan Motion Picture Exhibitors' Association was solicited and obtained. They agreed to exhibit free of charge, two copies of each of four reels on one hundred and seventy-five days in all the picture theatres whose program ran weekly, with a further display afterward throughout Wayne county and Michigan. The Association arranged all necessary details in distributing, delivering and collecting the films and keeping them in repair. The initial cost of the films was paid by the Tuberculosis Society and the Junior Red Cross and a legend to this effect appeared as a trailer to each reel. The publicity secured by the exhibition of these films in this city of a million population through the various agencies described has been of the greatest value in health education, and Miss Van Syckle declares an equal amount could not be obtained in any other way except at an enormous cost.

HEALTH FILMS INCREASING

Leslie W. Sprague, of the Community Motion Picture Bureau (Industrial Section) is authority for the statement that the collection of available health films is steadily increasing. He points out that under subjects of general interest the motion picture is capable of presenting appealingly facts relating to the care and caution which must be shown by all citizens in order

to observe necessary sanitary rules and to keep themselves in proper health; that under subjects of needed reform in public health it will be effective in promoting and dominating public opinion, and through an awakened public opinion secure necessary appropriations for the furtherance of general health.

Where and how to use motion pictures for public health purposes are questions which must be answered by and for each community in accordance with local conditions. A motion picture theatre is often available for special programs of general community interest. Health films are often shown by theaters in connection with their recreational programs. For the desired result, however, Mr. Sprague believes it to be a wise plan to use the theater to present a full program in the interest of some specific health need and to invite the citizens to view the pictures without charge. Brief addresses by health experts will give an added interest and effectiveness to the films that are shown.

In communities where there is no motion picture theater available for health propaganda, (although there are now very few such) it is always possible to use a church, a school auditorium or a hall—even the streets—for the projection of health programs. Not the least effective means of reaching the particular elements of a community most in need of an awakened interest is found to be the projection of rightly organized health programs in parks or streets where the many congregate on summer evenings.

FIRE PROTECTION CAMPAIGNS

By a combination of these and other means, it is not impossible with motion pictures to bring to the citizens of any community health interests of timely vital importance. With equal force

the same may be said with regard to other essential civic activities. They have been most effectively used in fire protection campaigns.

"An Unbeliever Convinced" is the title of a two reel moving picture which the Essanay Film Manufacturing Company completed for the Underwriters Laboratories. This is believed to be one of the most telling pictures of its kind ever produced. Through the co-operation of the bureau of fire prevention and public safety and of the fire and police departments of the city of Chicago, there were staged and photographed many scenes which it is quite impossible to provide in a commercial moving picture. The result is a comprehensive, convincing sermon on fire protection. The hazard of poor house-keeping is portrayed; the crime of depending on a single wooden stairway as the only means of egress from upper floors is illustrated; the danger of smoking in an industrial plant is emphasized; the probable consequences of hanging workroom doors to open inward are pictured; the importance of co-operation with institutions, organizations and officials engaged in safety work is shown in ways that are impressive and convincing.

Thrilling action runs through the film from the start. This includes striking scenes of a great fire department in action; and it all hinges around the experiences of the two principal actors in the picture, thus adding a dignified element of heart interest that is bound to prove appealing and effective.

The picture has been furnished to public officials and others for use at fire protection and safety first meetings and has been instrumental in educating public opinion on the whole subject of fire prevention, and the individual citizen's responsibility in connection therewith. Not long since the Muni-

pal Reference Library of New York (Municipal Building) published a list of the sources from which may be obtained lantern slides for use in connection with the observance of fire prevention day.

In this connection it is interesting to note that through the courtesy of the New York fire department, the Underwriters' Laboratories purchased the moving picture known as "The Locked Door" for use by those co-operating with the Laboratories in the promotion of proper standards for protection against fire and accident. This picture, which was made by the Vitagraph Company, a three-reel feature of a highly interesting character, is a fire-protection story that has proved exceedingly effective wherever the film has been exhibited.

"THE FINGER OF JUSTICE"

Motion pictures have been utilized in an entirely different field and with great success. Some years ago Paul Smith was the pastor of a Methodist Church in San Francisco. One day there came a modest demand for a neighborhood clean-up. The revelations that that demand, almost overnight, brought in his Methodist parish in San Francisco turned a small crusade into a statewide fight for the suppression of a revolting vice condition. Investigations revealed not only the vice conditions themselves—commercialized vice, illicit liquor sales and gambling—but an elaborate system of police protection. Dr. Smith found himself at the head of the army of decency. On the other side were deeply entrenched political forces.

It was a melodramatic fight. In the thick of it one day hundreds of women of the underworld stormed Central Church and demanded of the pastor what was to become of them. He met the situation firmly and talked to them

sensibly. Then came a big mass meeting, so crowded that 2,000 persons came and were denied admission. There was a demand for a clean-up. It was the turning point of the fight. It resulted in the appointment of a Morals Squad of policemen with instructions to close the barbary coast and the uptown tenderloin and to give the city a thorough cleaning. In a period of two hours, 206 barbary coast vice resorts with 1,400 inmates were closed. But the clean-up left California with the question that the women themselves had propounded when they visited the Central Methodist Church: What was to be done with them? Dr. Smith took up their cause as earnestly as he had taken up the fight against vice. He stumped the state in the interest of a rehabilitation farm for them. It was during this crusade that the motion picture idea came to Dr. Smith: If the whole story of the California situation could be told in a film it would in itself be a powerful argument. Once he had the conviction he set to work. He found friends who were willing to finance the venture. He rented a studio at San Rafael. He employed a director and a company and "The Finger of Justice" was made. It has spoken its message from screens in almost every state in the Union and in other countries.

This success of "The Finger of Justice" gave birth to another idea with Dr. Smith. He had seen just what problems the churches had faced in getting films suitable for their use. The fact that he had produced just what he wanted for his cause led him to believe that the churches could produce just what they wanted. Dr. Smith believes that there is another mission in which the motion picture can aid greatly. The spirit of service to-day calls the church to a new place in community life. Both in the rural and

industrial community the church must provide a larger part of the social and civic life than it has in the past. The clergy have realized this for many years, though perhaps not so fully as since the war. The abolition of the saloon had increased this responsibility of the churches. Upon them must rest the burden, not only of providing a substitute meeting place, but of offering clean, wholesome social contacts for such gatherings that by their friendliness will make the church the community center. The motion picture has proved the most popular form of recreation in America. If the Churches endeavor to furnish recreation as well as religious teaching and worship as its part of the community program, the film must have a conspicuous part.

HOUSING PICTURES

Housing is another field wherein the motion picture has been widely and effectively used. Illustrations of what has been done in different communities both here and abroad have been compiled in cinema form by the Community Motion Picture Bureau of New York which has a number of reels available for all who care to know how housing problems have been met and overcrowding relieved.

Among the first to undertake the building of the so-called model cities was England, possibly because she had her Ruskin before America developed her Emergency Fleet Corporation which by the way, put through some excellent housing plans during the war. Letchworth was the first English garden city, and Port Sunlight, the Lever Brothers project, has since come into fame. The Bureau's films show not only these cities, but others constructed in England and Scotland during the war. They then take up the housing accomplishments in this country, at Sun Hill and Yorkship, near Camden,

N. J., at Atlantic Heights, Portsmouth and at South Jacksonville, Fla.; at Newburgh, N. Y., and at Clyde, Cal. Governmental, municipal and industrial activity in these places has resulted in attractive and healthy quarters for workmen.

There are also pictures of the apartments of the Froebel League of New York and statistics to show that the corporation which erected these extraordinarily attractive buildings gets a net income of between 6 and 7 per cent on the investment; and the rent for a five-room apartment is something under \$10 per week. If the motion pictures can bring us such strange and wonderful news as that, surely their frivolous ways may be forgiven and their existence justified on one count.

MAKES SCENARIO FROM ANNUAL REPORT

Roscoe D. Wyatt, the Manager of the San Jose, Cal., Chamber of Commerce, conceived the idea of dramatizing his annual report and so he prepared a scenario bearing the title "In the Valley of Heart's Delight. Annual Report of the San Jose Chamber of Commerce, 1919-1920. A Novel Visualized Presentation Conceived and Supervised by Roscoe D. Wyatt."

The film was 2,400 feet long, and depicted in entertaining form the varied activities of the Chamber during the year. In preparing the scenario and film pictures, it was kept constantly in mind that the story was to be an annual report from first to last, not an advertisement of the many scenic and other attractions of the city and the valley. However, so wide and varied had been the doings of the Chamber during the year that without interfering with the continuity of the theme, the scope of the annual report permitted the introduction of most of the scenic features.

There was shown on the screen in appropriate places pictures of the city's public buildings; several modern grammar schools and the new school buildings under construction by means of a bond issue which the Chamber helped to put over; of typical city and country homes; of business blocks and busy street scenes; of new industrial concerns brought into the city through the Chamber and of some of the 38 large fruit, vegetable and berry canneries in the city and country. There were also included the famous Lick Observatory at the summit of Mount Hamilton nearby; the State Normal School, with its picturesque old mission architecture; the University of Santa Clara, the College of the Pacific, the Stanford University; stretches of the 800 miles of paved highway in the valley, including 65 miles lined with orchards on both sides.

TWO PAMPHLETS

Ina Clement of New York, has prepared two pamphlets which show in striking detail what has been done in the field of "Visualizing Citizenship" (the title of one) and in the field of "Teaching Citizenship via the Movies" (the title of the other). They were published by the New York Municipal Reference Library which realized the use to which motion pictures might be put by cities in awakening public interest in civic affairs. The main attempt in both these reports was to list the best motion picture films available for use by municipalities, classified by civic subjects, and giving definite information as to the source of each. It has been of use to many cities, civic organizations and to schools, as a source list of such films.

PUSHING THE CITY PLAN

Chicago has perhaps gone further than any other American city in its

persistent propaganda for a definite city plan and perhaps further than any other in utilizing the motion pictures. Its most ambitious project was some years ago when it sought to screen the city in a film entitled "A Tale of One City" dedicated to the Chicago Plan. Here is how its initial production was described by an enthusiastic reporter in *The Herald*:

Chicago as a movie actor made its debut last night in the two-reel film, "Tale of One City" dedicated to the Chicago Plan. A part of the 2,000,000 actors who made up the cast were there as audience. The house was sold out and city, county and state officials occupying boxes gave color to the city's debut on the screen.

The singing of "Hail Chicago" by the audience preceded the first reel of Chicago's greatness and future greatness in picture. "The Star-Spangled Banner" was the close. Laughable incidents in the Ghetto, moonlight yatching on the lake, night maneuvers of fire tugs in the face of flames were all a part of this film, devised to herald to the world how big Chicago is striving to make itself grow bigger, better, more systematic and more pleasing to the eye. Reproductions of the widened Twelfth street, the reconstructed river front, the transformed lake front, the widened boulevard in Michigan avenue, were all thrown on the screen as contrasted with the present condition, inspiring outbursts of civic pride and approbation.

"The Tale of One City" with all its realism has the punch that's keeping every movie director awake these nights," was the comment of a theatrical man after viewing its first night.

ARE CIVIC DRAMATISTS NEEDED?

All I have thus far reported may be interesting to those who are concerned for the welfare of our cities, but to what extent is the caption: "Wanted—Civic Dramatists" justified?

We are told by that thoughtful and delightful publicist, my one time classmate, Dickinson S. Miller, who by the way is a professor in the General Theological Seminary, that

A certain deep-seated vice or weakness of democracy was pointed out long ago. It is that for the individual, democracy is uninteresting. Taken by himself alone, he has so little power that it seems to him unimportant whether he

exercises it or not. To Frederick or Napoleon the business of government was interesting. It was creative work on a colossal scale. He could see his own strokes shaping a nation. His material, of course was more or less intractable but still it again and again was fashioned to his purpose. To govern is, for a despot, an exciting occupation. To exercise the elective franchise of a single citizen under democracy is not exciting. Nothing can make the citizen believe that it is a vital matter whether he, as a single unit, casts his vote or not or even for whom he casts it.

Government can be made just as interesting, even exciting, if that is essential for the average voter, as it can be for the despot. The issues are just as great, for government means so much more now than it did in the days of the despot.

It is something more than wars and rumors of war, something more than boundary lines and questions of succession. It is a matter of life and death, of joy and comfort, but the average voter must be made to see all this,—he must have a vision. Three men were laying bricks. Each was asked what he was doing. The first replied that he was "just laying bricks." The second said he was "working for so many dollars a day." The third answered "I am building a cathedral."

Our problem is to get the message of the possibilities of our modern democracy to the people. We must inspire in them a desire to build cities, great and strong and true, and as an agency to this end we must use the motion pictures not as direct propaganda films, such as have been so far described herein, with an exception or two, but through the real dramatization of the great issues and ideas involved. We need civic dramatists to see and reproduce the truly dramatic features of modern civic life.

A few nights ago I saw the film "The Moonlight Sonata" a truly beautiful one. It told the story of how Beethoven, the master, happening to

hear some one playing his scores, discovered that it was a timid blind girl who was at the piano. He went in and after playing for her tried to tell her the story of the beauties of the night without. Words failed him and then he turned to the piano and in those gloriously beautiful tones, never to be forgotten, played for her the glories of the stars, the moon, the whole heaven and the forest under the moonlight. And so the Moonlight Sonata came into being. The audience viewed the film, accompanied

as it was by the music, spellbound and when it was finished, broke into tumultuous applause—the only applause of the evening in a program of unusual merit.

That is what the people want, the beauties, the glories, the possibilities of modern life and civilization, made real.

Where are the civic dramatists who can do this thing? If Will H. Hays can find and develop them and give to them the necessary opportunity he will indeed be entitled to be enrolled as a benefactor of America.

REVIEW OF REPORTS ON FUNDED DEBT OF CITIES

BY C. E. RIGHTOR

Detroit Bureau of Governmental Research, Inc.

A Report upon the Community's Outstanding Debt. By the Cleveland Municipal Research Bureau; June, 1922.

A Survey of the Bonded Debt and the Operation of the Sinking Fund. By the Minneapolis Bureau of Municipal Research; March, 1922.

The Bonded Debt of St. Paul. By the St. Paul Bureau of Municipal Research; July, 1922.

Duluth's Bonded Debt. By the Taxpayers' League of St. Louis County (Duluth); February, 1922.

A Study of the Financial and Accounting Offices of Kansas City. By the Kansas City Public Service Institute; February, 1922.

Budget Facts and Financial Statistics. By the Multnomah County (Portland, Oregon) Tax Supervising and Conservation Commission (an official bureau); March, 1922.

THE facts brought out in these reports of bureaus of municipal research on bonded debt, debt incurring limits, sinking fund deficits, proposed and adopted remedies to eliminate these deficits and prevent future mismanagement of the public debt, evidence the increasing popular interest in these

subjects. The work of the several bureaus in effecting economies for hard pressed taxpayers to-day proves the service such agencies are rendering in contributing toward a new area of safe and sane financing.

CLEVELAND'S CONDITION

The Cleveland Bureau recites that examination was made of the city's bonded debt as of January 1, 1920, and again on January 1, 1922.

In the first study it was found that bonds had been issued for excessive terms, and bond funds had been expended for current expenses. An actuarial study of the general sinking fund showed a shortage of \$6,121,083, or 50 per cent, and the city was piling up huge annual deficits. The Bureau at that time recommended bringing up the sinking fund to its actuarial basis by a \$700,000 annual tax levy. This policy was adopted. The Bureau also recommended that proceeds of bond

sales should be expended only for capital improvements, and the term of bonds be limited to the estimated life of the improvements, as provided in the New Jersey law of 1916, and that only serial bonds be issued. These recommendations were made effective by the state legislature thru the enactment of the Griswold Act in 1921.

In its second study, the Cleveland Bureau found that on January 1, 1922, conditions were relatively worse than in 1920, due to delinquent tax payments, failure to levy a sufficient amount for debt charges, diversion of sinking fund revenues for general fund purposes, and arrearages of special assessments income. Debt charges in Cleveland in 1922 require 32 cents of every tax dollar.

In Ohio, due to the complicated Smith "One Per Cent Law" and its numerous internal limitations and amendments, including the Gardner Law which remedied conditions up to 1920, additional bond issues since 1920 will not affect the tax rate but will reduce the amount of available funds for operation. The law now results in a "free for all" by the city, schools, and county for available tax money, as the county is the unit of taxation, and there are no fixed tax limits for the subdivisions.

Conditions now point to the inability of Cleveland to keep the sinking fund up to actuarial requirements unless an additional \$200,000 be levied annually. The water sinking fund has been put on a sound basis, due to the Bureau's recommendation. The electricity and school sinking funds are actuarially sound.

The concluding recommendations of the Cleveland Bureau are: First, that proposed bond issues be carefully scrutinized; second, that the city plan its capital outlay program for a period of years; third, that the tax laws be

revamped by fixing limits of taxation for each political subdivision; fourth, that debt charges be exempted from the tax limit; and fifth, that the city put some of its capital improvements on a "pay as you go" basis.

An interesting observation upon Cleveland's financial troubles, though not mentioned in the Bureau report, is that some writers expect the city manager plan, which becomes effective in Cleveland in 1924, to solve its financial difficulties!

MINNEAPOLIS FINDS HUGE SHORTAGE

The Minneapolis Bureau finds the city approaching its bonding limit, but in urgent need of major improvements. The sinking fund is inadequate, and no financial policy is being followed. Bonds have been issued for short-lived improvements, as school room equipment, and for current operating deficiency. The Bureau's protests at budget time had been unavailing until the current year.

The Bureau ascertained that, on an actuarial basis, there was a sinking fund shortage as of January 1, 1922, of approximately \$5,000,000 out of the required \$7,600,000. Computations show that the deficit will increase to \$6,000,000 by December 31, 1922. The effect on the price of bonds is cited.

In Minneapolis the tax levy for sinking fund purposes prior to 1916 had been one mill; since 1916, due largely to the Bureau study then made, the levy was increased to three mills. But the Bureau now finds that even this increased levy is insufficient, and an additional annual levy is required.

As a result of its investigation, the Bureau recommends: First, a law similar to that of New Jersey covering the issue of bonds,—that the character of improvements shall be classified and a term of bonds prescribed for each class; that no bonds shall be issued for

current operation, and that all bonds shall mature in annual installments; second, that only serial bonds be issued in the future; third, that a "pay-as-you-go" plan of financing public improvements be adopted; fourth, that a three- or five-year plan of improvements and their cost be outlined; and, fifth, that a single budget be adopted, so that all improvements may be considered in conjunction with the request for operation and maintenance.

The report also suggests courses for the future control of bond issues and their redemption. The Minneapolis report is an excellent one, presenting the material in an orderly manner, with tables of bond maturities, interest calculations, etc.

ST. PAUL HAS BLANKET LIMIT ON EXPENDITURES

The St. Paul Bureau gives a clear-cut statement of bonds outstanding, debt limits, etc. Of the current tax dollar, 19 cents are required for debt services. The city's debt on April 1, 1922, was \$13,933,600, of which \$4,625,600 were "cash basis" bonds and \$3,402,000 "refunding" bonds. The Bureau concludes, therefore, that except for poor financing in past years, the city's debt on that date should be but \$5,906,000.

The St. Paul charter provides that the sinking fund and the redemption of bonds shall not be included in a \$30 per capita limitation on municipal expenditures. Interest charges are a part of the \$30 limitation. The effect of future bond issues upon operating costs and taxes is pointed out.

The sale of bonds by competitive bidding is urged, although at least one private sale has been made. The Bureau advocates the New Jersey procedure in borrowing, by which the premium feature is eliminated.

Serial bonds are urged, and the

disadvantages of term bonds cited as being that officials may not levy a sufficient amount for the sinking fund, or may omit the levy in certain years, as did St. Paul, and the public officials may not be financiers in investing the fund. It is asserted that the serial is more popular with the bond dealers than the term bond, although "the city usually has to pay a higher rate of interest on serial bonds, so the cost of the two is approximately the same."

An actuarial study of the sinking fund disclosed assets amounting to \$802,938, and a deficiency of \$1,163,116. No analysis was made of why this condition exists. The remedy proposed and being followed to erase the deficit is by revising the sinking fund schedule through the next twenty-nine years, by using the present sinking fund to meet requirements so far as possible, and to recompute the sinking fund requirements on all outstanding bonds after that time, on an adjusted, shorter term, basis for the life of the bonds.

DULUTH

The Duluth Taxpayers' League calls attention to the shortcomings of the financial policy of that city. It is asserted that at one time in its history Duluth defaulted upon its bonds, and this action by any city works a permanent handicap in future borrowing.

The sinking fund was found to be deficient, as determined by an actuarial study, and it was proposed to place it upon a sound basis through an annual levy for a period of years. The issuance of serial bonds, only, is advocated.

PAY-AS-YOU-GO ADVOCATED FOR KANSAS CITY

The Kansas City Bureau discloses that the charter permits the issuance of bonds "for any purpose, of any

nature, whatsoever," and that at present bonds are issued for a twenty-year period regardless of the nature of the improvement, due to a state law fixing a twenty-year term as the limit. Kansas City in 1915 issued \$690,000 of bonds, and on April 18, 1921, had lying idle in its treasury \$600,171 of the proceeds.

It is found that in the past years there has been no apparent relation between the amount levied and the requirements by actuarial computation for sinking fund purposes. For the years 1912 through 1915 no levy was made, although over \$2,000,000 general bonds were outstanding. A two-and-one-half mill levy for debt charges, instead of actual needs, has resulted in a deficit in the sinking fund on April 18, 1921, of \$1,046,242. The required accumulation should be \$3,584,025, but is only \$2,537,783. Of this total the general sinking fund deficiency is \$649,558, and the water sinking fund deficiency \$396,684.

As a remedy for these conditions in Kansas City, the Bureau recommends: First, that bonds should be issued only for permanent improvements; second, that a "pay-as-you-go" policy should be established. Many improvements being financed by bonds should be financed through current income, although the interest and sinking fund charges on the bonded debt are not included within the ten mill state limits on the city's tax rate. Third, it is advocated that term bonds should not be for a longer time than the estimated life of the improvement; fourth, that bonds should not be issued until the proceeds are needed.

The Bureau also suggests that complete plans should be made before any bond proposal is submitted to the voters. The present provision that a two-thirds majority vote is necessary to carry a bond issue is deemed of little

merit in the absence of such planning. It is recommended that premiums and unused balances of funds should be placed in the sinking fund, whereas the present policy is to add the premium to the fund available for financing the improvement. While the state constitution and statutes and the city charter require sinking fund bonds, the difficulty of administering the sinking fund is given as the chief argument against the sinking fund method. A sinking fund commission is advocated, rather than having the controller administer the fund as is now required by charter. Further, instead of depositing sinking fund cash in the general bank of the city, as at present is done, a separate bank account is recommended.

To remedy the deficiency in the sinking fund, it is found that the two-and-one-half mill levy should be continued even though the assessed valuation is rapidly increasing, and the charter should require a tax levy for debt services based upon actuarial computations. The report states that the serial bond is cheaper than the term bond, and is being generally advocated, and the necessary change is advocated in the constitution, statutes, and city charter to permit Kansas City to issue serial bonds.

MULTNOMAH COMMISSION SUGGESTS STATE SUPERVISION

In addition to its comments on the 1922 budgets, the Multnomah County Commission submits data on the county and city indebtedness.

The Commission finds "that the assets of the general sinking fund of the city are considerably less than half adequate to meet reserve requirements; that assets of the water sinking fund are only slightly more than one-third of the reserve requirements; that the dock sinking fund shows a surplus."

The general sinking fund of the city is found to have a deficit of \$1,832,308 on November 30, 1921, with obligations on outstanding bonds of \$3,135,704. The water sinking fund has a deficit of \$1,857,644, with resources of \$1,050,980. The large deficits in the two city sinking funds are due to setting aside inadequate installments in past years.

The Commission has computed that an annual levy of \$200,000 is required to recoup the general sinking fund to adequacy

As a result of its studies, the Commission suggests that restrictions be placed on local borrowing rather than on taxation; state supervision of local

debt, which might go so far as to prohibit any bond issue but serials; a limitation of the term of bonds to the life of the improvements; adequate sinking fund installments for existing term bonds; and a bidding on the interest rate rather than the principal of the bond.

In the case of each of the foregoing reports the title indicates the particular phases of the problem of financing the municipal debt that are considered. Obviously, in such brief reports, certain pertinent facts and data must be omitted, but collectively the reports constitute a valuable addition to the current literature on the subject.

RECENT BOOKS REVIEWED

POPULAR GOVERNMENT. By Arnold Bennet Hall, J.D. New York: The Macmillan Company, 1921. 280 pp.

The thesis of this book is that the representative form of government and representative political institutions will produce more nearly popular government than will the operations of direct democracy. This thesis the author defends ably, and perhaps more effectively than did recently Alleyn Ireland in *Democracy and the Human Equation* or Harry F. Atwood in *Back to the Republic*.

Accepting with generous quotation and acknowledgment the definition, prerequisites, and limitations of public opinion as suggested by President A. Lawrence Lowell, Dr. Hall defines popular government as "that form of political organization in which public opinion has control." By coupling with this major premise the appropriate minor in each case,—that the conditions necessary to an adequate public opinion do not prevail in the particular political practice under examination,—he arrives, in Chapters IV to IX, at conclusions unfavorable to the employment of the direct primary, the presidential primary, the initiative and the referendum, legislative supremacy, the recall of judicial decisions, and the recall of public officers, as means of securing popular government. The last chapter strongly advocates the adoption of the short ballot principle.

Conceding that "control by public opinion does not guarantee either the justice or accuracy of the control," but rather assures elements of strength and stability and "a definite tendency to realize the aspirations and convictions of the people—an ample justification for a democracy in a country such as ours," the author presents the fundamental questions: "How may the accuracy and reliability of public opinion be improved?" and "How must public opinion rule in order to rule best?" In answering the first question, the methods of improving the press, party leadership, and the intellectual and philosophical equipment of the people, as the chief forces in creating public opinion, are discussed in Chapter II.

In the treatment of the direct primary, in-

cluding the presidential primary, so-called, the customary arguments are advanced, along with the main attack:—"such a thing as public opinion on the best candidate for most of the offices for whom [sic] candidates are nominated, is wholly and absolutely impossible." Consequently, the author favors the selection of candidates by conventions of legally chosen delegates. Probably no one would deny the superior ability of a convention to select good candidates, but many would doubt the existence of the convention's predominating interest in doing so. One must realize that the members of the ordinary political convention constitute a group of persons possessed of fairly distinct and conscious interests.

A strong case is made out for constitutional and judicial restraint of legislative power. The author tends, however, to talk the imaginative language of the jurists: "It follows, therefore, that a people that would govern themselves wisely should seek to limit their own power and place restraints upon their own action"—as if, in constitutional conventions, no breath of faction stirs, no deep economic and social group interests find expression. Of course, where usable methods of amendment are present, one cannot much more reasonably object to a judicial review of legislative action than to such a review of administrative action.

This book should be of chief value to those who believe that the cure for the ills of democracy is more democracy, and those, if there are any such, who think that "democracy" is a simple matter of letting the people vote on everything. It brings sharply to the reader's attention the seriousness of the problem of establishing the most efficient connection between an electorate and its government.

What students of political science especially need, however, is a sufficiently detailed investigation of the facts to establish the truth or falsity if possible, of contentions regarding the direct primary, the recall of public officers and so on, as well as a thorough study of the processes of public opinion, and the psychology of an official personnel. The book contains the result of no such original investigations.

RALPH S. BOOTS.

OUTLINES OF PUBLIC FINANCE. By Merlin Harold Hunter. New York: Harper Brothers, 1921.

The field of public finance is not very abundantly supplied with text books and what text books there are have not been altogether satisfactory. One is therefore inclined to examine with anxious hope the result of each new attempt to meet the need. Professor Hunter's *Outlines* seems to the reviewer better than some of the recent texts, yet hardly on a par with such standard works as those of Bastable and H. C. Adams. That the book is comprehensive in general outline, with hardly any matter falling within the purview of public finance seeming to be entirely overlooked, and with a presentation alternately historical, descriptive and analytical, is not a cause for unmixed satisfaction. It may be that this is the type of book which the market demands, the kind of text that teachers of public finance in general desire. The reviewer is distinctly of the opinion, however, that students would get more real intellectual discipline and would carry away more of value to them as citizens from a book covering much less ground but analyzing more fully a few fundamental principles of the subject. Thus, while Professor Hunter's discussion of the shifting and incidence of taxation is in the main sound so far as it goes, it seems unfortunate that in a book of over 500 pages only 20 pages can be spared for so important and underlying a part of the subject of public finance. And nothing at all appears to be said regarding the incidence of the excess profits tax as such. The criticism here intended, however, is not of the author for writing the kind of book desired, but of teachers of public finance in general for desiring this kind of book.

The book contains the time-worn arguments against the single tax with which conservative economists have familiarized us. Not only is the orthodox single tax opposed but there appears to be no sympathy with the less extreme view held by many professional economists, *e.g.*, Carver, that land should bear a larger proportion of the total tax burden. One is interested to be told (pages 367-68) that a piece of land is not particularly more a gift of nature than is a building since the building is made out of clay

(brick), oak, etc. which came from nature. But has the author, a professional teacher of economics, never heard of the theory of marginal productivity, in which produced wealth is imputed in part to each of the so-called factors of production? If he has, he should be able to see that there is a sense in which the land, apart from improvements, is very much more a gift of nature than the building. Can the land be in any way imputed to labor?

Near the beginning of the chapter on the single tax, reference is made to France, the physiocrats and the *impôt unique* of these economists. Then occur the amazing statements that "much was accomplished in putting the system (the *impôt unique*) into effect" and that "the injustice became so marked, and the dissatisfaction so evident, that the *impôt unique* was abandoned." Does the author mean to say that the reforms of Turgot went so far as to approach the *impôt unique*? In the *Century Magazine* for July, 1890, in a debate with Henry George on the single tax, Mr. Edward Atkinson made a somewhat similar statement. He said: "It (the single tax) was presented more than a century since by the economists of France known as the physiocrats; it was applied in France under Turgot, before the French Revolution, with very disastrous results." In the November (1890) number of the same magazine, replying to a communication from a Mr. James Middleton, Mr. Atkinson admitted that his own statement had been incorrect and that the single tax had not been tried in France. And if it is the reforms of Turgot which Professor Hunter has in mind (he is here vague as to date) it may be said that most modern historians do not declare the withdrawal of these reforms to have been due to their unfairness but to the pressure of the aristocratic group which forced Turgot's retirement. The author is apparently unfamiliar, also, with Professor Davenport's brilliant and searching paper on "Theoretical Issues in the Single Tax," published in 1917.

Towards the end of the book are chapters on public indebtedness, administration of public funds, financing an emergency (chiefly war), and the cost of war.

H. G. BROWN.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Boston Sets Important Pension Precedent.—With the enactment of a new pension law by the legislature of Massachusetts this session Boston has come into possession of a sound pension system for its employees. This has been the result of a prolonged effort extending over a period of several years.

The first attempt there to establish a sound system was made in 1913 by the special commission appointed by the legislature to look into the various pension systems in Massachusetts. This attempt resulted in the enactment of a law the same year for any municipality willing to avail itself of it. It never became effective, however, as it was deficient in several respects. Another legislative commission tackled the job in 1920, but without much result. Not until the Boston Finance Commission took hold of the matter early in 1921 was any real headway made.

The Finance Commission, under the able chairmanship of Judge Michael Sullivan, engaged the Bureau of State Research of the New Jersey State Chamber of Commerce to assist it in the technical part of the work. Mr. George B. Buck, actuary, and the writer represented the bureau in this work.

A bill was evolved which passed the legislature last year but failed to secure the approval of the governor, who was influenced by the urgent representation of the police commissioner, that the police and fire departments be excluded from its provisions.

The Finance Commission continued its efforts and reintroduced this bill in the 1922 session, re-enforced this time by the report on a comprehensive actuarial investigation of the cost of the proposed system, which the bureau had in the meanwhile prepared. The legislature passed the bill as it did last year, with the policemen and firemen, included, and the governor approved it, satisfied this time that it will be of benefit not only to the city, and clerical forces but also to the policemen and firemen. The mayor, after a thorough consideration of the various phases of the measure signed it.

The new fund will include all city employees except teachers and such policemen and firemen now in the service as may choose to remain under

the provisions of the old non contributory laws. The employees will contribute 4 per cent of their salaries. This will provide them at age 60 a certain annuity. The city will add to this at the same age a pension of equal amount. It will also make up the contributions with interest which it and the employee would have contributed in the past had the system been then in operation, and provide such an additional pension as these contributions will purchase. Benefits in case of disability, death and withdrawal from service are also provided. The system is to operate on a strictly reserve basis. It is not necessary here to enter into details, as these will be found discussed in the article in the NATIONAL MUNICIPAL REVIEW of August, 1921, and in the report on Pensions in Public Employment which appeared as the April issue of the REVIEW.

The significance of this enactment is not merely of local character. It is practically the first precedent in this country of a sound pension system covering the policemen and firemen. The only other instance which comes any where near this case is the police and firemen's fund of Milwaukee. Its provisions, however, are rather over liberal and so costly to the city that few municipalities, will find it possible to follow this example. New York city and New Jersey have tried for many years to bring policemen and firemen under a sound system, but failed at every attempt against the powerful opposition which the police and firemen's associations were able to marshal in the legislatures.

PAUL STUDENSKY.



New Retirement Act Gives Good Results.—In view of the growing appreciation on the part of employers, both public and private, of the wisdom and justice of retiring their superannuated employees on a reasonable pension, the testimony as to the operation of the Federal Retirement Act recently gathered by the United States civil service commission should be received with interest. The testimony consists of replies to four specific questions on the success of the Retirement Act that had been previously forwarded by the civil service commission to the

head of all of the departments and bureaus and independent establishments in Washington. The commission asked as to the effect of the system on turn-over, efficiency and morale, number of positions, and opportunities for promotion.

On account of the natural shrinkage of some of the organization units following the war and the general policy of retrenchment of the past year and one half, the testimony submitted by the administrative officials as to turn-over and the influence of retirements on the number of positions was necessarily inconclusive. But there was no lack of evidence and it appears to be quite unanimous concerning the favorable effects on the quality of the work; the efficiency of the employees and their attitude toward their duties. The most sweeping statement on these matters is made by the head of one of the older bureaus in which 140 employees were retired at the very outset, *i.e.*, when the act became operative in August, 1921. In the excerpts cited by the civil service commission the head of this organization, the commissioner of pensions, states that "the retirement system has unquestionably resulted in increased opportunity for promotion, and because of this opportunity there now exists a new spirit, a spirit of hopefulness among the younger and middle aged employees which has taken the place of the lethargy which permeated many branches of the service before the retirement law became effective." The commissioner further refers to the beneficial effects derived from younger employees in the bureau, which, taken together with the advantages just mentioned, led to a "rejuvenation" of the organization.

The civil service commission has performed a worth-while service by bringing together in its compact little bulletin (August, 1922) the judgment and opinion of responsible government officials on the workings of a retirement policy. They have seen its immediate results at first hand and because of the size and age of many of the organizations in the federal government they have seen how it works on a large scale. Their comments are valid arguments for the establishment of an official retirement scheme to supplant the present policy, obtaining in so many jurisdictions, of continuing the aged employees on the payrolls after their period of usefulness has passed. Although not designated as such, this is a type of pension system and undeniably the most costly now in operation.

W. E. MOSHER.

Progress Reported in Solving New York's Traction Tangle.—Shortly upon the heels of the injunction restraining the operation of Mayor Hylan's buses as being beyond the legal powers of the city, comes the announcement of a plan looking to the reorganization of the Interborough Rapid Transit Company and guaranteeing the five cent fare.

As is generally known, the city administration had been supervising the operation of numerous buses as feeders to elevated and subway lines which, according to the mayor's estimates haul 200,000 persons daily. Their continued operation has been enjoined and an appeal to the governor to call a special session of the legislature to empower the city to operate them was denied. Naturally enough, the governor took the ground that the mayor should look for relief to the transit commission, now authorized by law to compose New York's traction difficulties. Opposition to this commission has been one of the strongest political weapons which a versatile mayor has utilized, but the governor now advises him to counsel with it since it has all possible legal power to give New York a unified transportation system.

The announcement, therefore, by the transit commission that the consent of the necessary number of security holders to a plan which guarantees a five cent fare and paves the way to a unified traction system strengthens the governor's position to the discomfiture of the mayor. The latter has been quick to catch on however, and now claims that the new plan was originated by him.

In brief, it provides for doing away with the Interborough Consolidated Holding Company with its excessive issues of securities and for the modification of the troublesome Manhattan elevated lease, by which excessive rentals have been paid for use of the elevated properties, so as practically to cut apart the elevated road's finances from the Interborough. Moreover, a plan for public representation on the directorate has been accepted by the security holders involved. Certain members of the directorate are to be chosen by the transit commission and the city by means of a voting trust.

\$114,000,000 worth of securities are wiped out by the demise of the Interborough Holding Corporation, and the \$35,000,000 worth of stock of the Interborough Rapid Transit Co. (the operating company) will be held by the stockholders. The fixed rentals on the almost obsolete elevated

properties are eliminated. Rentals for these are now payable only out of earnings and only in case dividends are paid to the stockholders of the operating company. The I. R. T. stock is to pay no dividends for five years and then never in excess of seven per cent. Notes for \$10,500,000 are to be issued for new equipment and improvements.

At this writing the plan prepared by a bondholders' committee, representing an overwhelming majority of the security holders, remains to be approved formally by the transit commission. Announcement of it, however, came through the commission and it is indicated that it is in line with the wishes of that body. Threat of a receivership seems to have been the strongest weapon waged by the commission.



Chicago School Board Members Indicted for Graft.—Chief Justice McKinley of the criminal court, Cook county, Illinois, continued for the October term the special grand jury that had been investigating the Chicago school board scandal. This marked the beginning of the fifth month of continuous and searching inquiry.

A widespread feeling that the June grand jury attempted to whitewash the school situation aroused the public to indignant protests with the result that the court instructed the July grand jury to re-open the investigation. Since then over forty indictments have been returned, true bills having been found against a score or more school trustees and employees, city hall attachés, politicians, and business men. Malfeasance, embezzlement, and conspiracy to defraud are among the serious crimes charged.

Among the persons already indicted are Edwin S. Davis and Albert H. Severinghaus, school trustees and former president and vice-president of the school board; William A. Bither, attorney of the board; Charles J. Forsberg, business manager of the board; Patrick H. Moynihan, member of the Illinois Commerce Commission; Louis Piquett, city prosecutor; Thomas Fitzgerald, of the Fitzgerald Boiler Works; Charles Ward, city hall politician and attorney for the Fitzgerald Boiler Works; J. A. Hock, president of the Wisconsin Lime and Cement Company; and a dozen or more school board employees including Charles Driscoll and Joseph Spain, officials of the organizations of engineer-custodians.

The transactions for which these men are be-

ing held responsible involve, among other things, suspicious real estate deals; padding of the pay-rolls; manipulating bids through shadow companies; paying \$418,000 for boilers that could have been bought for \$110,000; favoritism in letting contracts; destroying property and removing fixtures to make way for unnecessary repairs and new supplies; short-weighting coal deliveries; dishonesty in printing; the taking of bribes; insurance gouging; and creating a shortage in school moneys running into the hundreds of thousands of dollars.



Ashtabula Takes Over Street Railway.—The city of Ashtabula has recently purchased and taken over for operation the street railway system at an original cost of \$150,000 plus \$85,000 which is being spent immediately for new equipment and repairs to track and overhead. Of the purchase amount, \$82,000 was needed to settle the first mortgage bonds and accrued interest, and the balance was employed to pay judgments, taxes, miscellaneous claims and second mortgage bonds. It is understood that the second mortgage bond holders accepted 6 cents on the dollar. The financial disaster of the company can be traced to local agitation against increase of fares during the war period. This undoubtedly ruined the car company and brought about subsequent sale to the city.

By the time this appears in print, the line will have been overhauled and new cars put in use. The administration of the car system is in the hands of the division of street railways in the city manager's department. The entire staff of the private company was continued as the operating force for the city.

Ashtabula has operated her own electric light plant for about thirty years, and under city manager government feels confident that the operation of her street railway system will be a success. A new municipal electric plant is soon to be put in operation which will furnish current for the street car system. An automobile bus system is being added as a feeder to the electric lines. For the time being the 8 cent fare with free transfers, which the company finally secured, is being continued. Later when the cost of electric current from the municipal plant is determined, a readjustment will be made in the fare. A school children's rate of twenty five tickets for a dollar was, however, immediately introduced.

Items of Civic Interest.—*Civic Information Bureau:* Attention is called to the fact that members in the American Civic Association are entitled to the service of the civic information bureau. Specific questions will be answered and information concerning local practices will be secured for members on request. It is hoped that members will make the fullest use of this service.

Watch Service—Members are also reminded that the American Civic Association is representing their interests in the national parks and forests by maintaining a watch service in Washington. The secretary is always glad to answer questions concerning status of pending bills and executive acts and to indicate to individual members and organizations how they can help protect their national property.

City Planning—Reprints have been made of Dr. Strayer's talk on "The School Building Program—An Important Part of the City Plan," which was given at the City Planning Conference in Springfield, Mass. Copy will be sent on request to the American Civic Association.

Billboards—The Indiana highway commission has ruled that sign boards along the roads obstruct the view of the automobilist, as well as other travelers and therefore increase the hazard at crossings. An order was issued by the commission in July of 1921 directing owners to remove signs within the year. The commission is now proceeding to clear away those signs which owners have neglected to remove. About one million advertising signs have been removed from the state highways in Indiana during the past year and it is announced that the work will be continued until all billboards are down. Good work in Indiana!

HARLEAN JAMES.

✱

Proposed Charter Changes in San Francisco and Los Angeles.—The citizens of these two cities will be called upon November 7 to vote upon some highly significant charter changes. In San Francisco a far reaching civil service amendment has been drafted by a special committee which includes William H. Nanry, director of the Bureau of Governmental Research, and Paul Eliel, former director of the same bureau. The effect of the amendment will be to place in the classified service many offices such as auditor, assessor, county clerk, city attorney, sheriff, treasurer and tax collector which have heretofore

been elected. This will result in a shortening of the ballot and a removal of purely technical positions from politics. The civil service commission is given additional powers and duties. Salary standardization is required and transfers between departments are authorized. Discharge by the appointing power is provided after the accused has been given an opportunity to answer charges. The commission is authorized to establish training forces for persons on the eligible register or in service.

Los Angeles voters will pass upon a wide range of amendments, chiefly among which are ones providing proportional representation for the election of fifteen members of the city council, a pension system for all city employees, and an increase of the salaries of the mayor and council.

The proportional representation plan is presented to offset another proposal for district representation in the election of the city council, one member from each district.

✱

Attempt to Recall Mayor Kohler of Cleveland.—An attempt, so far unsuccessful, has been made to order a recall election for Mayor Kohler who assumed office last January and is to serve until the new city manager charter goes into effect. A minority candidate in the last mayoralty campaign recently circulated petitions which, when filed, were seen to contain only about 7000 names, which is less than half the number required by the charter. Under the charter provision an additional twenty days may be allowed if the number of signers to a recall petition are found to be insufficient, and the enemies of Mr Kohler proceeded to secure more signatures which brought the total well over the 15,000 names required. The city clerk, however, announced that he would not examine the validity of the additional names on the ground that the original petition had not been filed in good faith and in this he has been sustained by the law director. For the time being at least the movement to recall "Golden Rule" Kohler has been defeated.

✱

Kansas City to Make Cash Payments for Improvements.—A plan to eliminate the excessive cost of public improvements is occupying the attention of the commission drafting a new charter for Kansas City. It will substitute cash payments for improvements in place of the present antiquated and expensive tax bill system.

At present contractors for grading, paving, sewerage construction, etc., are paid in tax bills, payable in installments running over a period of years. These tax bills are payable out of special assessments levied against the property benefited. Because the courts may decide later that the tax bills are invalid for one reason or another they are accepted by the contractors only at a discount which may be as much as 25 per cent. Thus a heavy and needless burden is imposed upon the public.

The plan proposed in the new charter is to have assessments levied and judicially confirmed before the improvement is begun. The council thereupon may authorize the issuance of local improvement certificates for an amount not exceeding the special assessments outstanding, and the proceeds from same will be paid into a revolving fund out of which shall be paid in cash the cost of local improvements. In this way partial payment of special assessments can be continued.



Chicago Citizens Advised to Oust Council.—The Municipal Voters' League of Chicago, which for more than a quarter of a century has been protecting the people of that city against incompetent and dishonest officials, has sent out a call to the people to supplant the present aldermen with more vigorous citizens referring to certain present members as grafters and others as weak and wabby. Particularly, the League attacks waste of public moneys in foreign junkets, the wanton smashing of good school furniture so as to enable purchase at rising prices, the "pinching off" of a percentage on purchases for the school board and a trick by which several so called real estate experts abstracted \$3,000,000 from city funds which should have been devoted to carrying out the Chicago plan.

The new fifty ward law, which changed the political landscape by breaking up many political combines, is said to give independent citizens a rare opportunity; and the League makes a strong plea that independent groups in each ward start fit candidates in the race for aldermen at the election this fall.



Two Home Rule County Charters in New York State.—The charter commissions appointed to prepare plans for the reorganization of the county governments in Westchester and Nassau

counties pursuant to a constitutional amendment approved last fall, have now reached a point in their deliberations at which it is possible to anticipate some of their conclusions.

Both counties adjoin New York city, one on Long Island and the other to the north. Nassau is a county of 274 square miles and about 135,000 inhabitants. It is fairly evenly settled, has three large townships, a number of incorporated and unincorporated villages, two of which masquerade as cities. One of the cities has less than 10,000 inhabitants, the other is a beach which has a few thousand inhabitants in summer and almost none in winter. The charter revision commission under the direction of an able and independent chairman has decided upon the transfer of a number of township functions to the county. The townships will, however, be retained as trustees of town property, for certain road building purposes and for the supervision of certain other public works and services. The justices of the peace will be absorbed into a new full time inferior court of county-wide jurisdiction under assignment by the county judge. The vacancies on the town boards created by the removal of the justices of the peace will be filled by town trustees, elected for overlapping terms and paid only for actual days of service.

All of the executive functions of the town are to be placed under a supervisor-at-large who will preside over the Board of Supervisors. The present six supervisors will be retained but a change will be made in the voting power so that the largest township will not control the board as at present. There will be a county health department, a county police department, a county department of taxation and assessment, and one of welfare and charities in addition to the county engineer's department which will be developed into a department of public works. A tentative agreement has been reached upon a flat county education tax which will, of course, necessitate some kind of county school authority. A tentative agreement has also been reached on a county zoning authority which will zone the rural territories and will review village zoning plans to see that they conform to a central county plan. In general, the village governments are not disturbed, but the commission is attempting to find some unit of government between the township and the village for public service and utility purposes which will be effective to prevent the further multiplication of village governments and special districts.

Westchester county is a territory of some 450 square miles with the population estimated at approximately 375,000. It has four cities of respectable size, including Yonkers which has over 100,000 inhabitants, many villages and eighteen townships. Its board of supervisors has 41 members. It is obvious that the problem of government,¹ co-ordination in Westchester is a great deal more complicated than the problem in Nassau. The Westchester county government commission has proceeded slowly. It is a large commission with representatives of a number of diverse elements and groups in the county. While the majority of members belong to the dominant Republican party which is normally directed by a very able county leader, the subject of county reorganization has brought into play differences of opinion which have nothing or very little to do with party politics. For this reason, apparently, and because the support of the minority party and the independents will be required, there has been a good deal less leadership and drive in the commission than might be expected.

The most important report which has been made so far, is that of the committee on the form of county government. This committee has recommended a single county commissioner with a four-year term, elected at large, to be in charge of all the executive machinery. The board of supervisors is to be a purely legislative body.

There is also to be a board of estimate controlled by the county commissioner which is to consist of the commissioner, two of his appointees, namely, the county attorney and county engineer, the chairman of the board of supervisors who is to be elected at large, and the county comptroller also elected at large. This board will have complete control over the preparation of the budget, over salaries and positions, over franchises, and the incurring of all debts. The board of supervisors may reduce, but not increase the budget and will have no control over salaries and positions. Considerable opposition has already been manifested to this plan, particularly on the ground that too much power is concentrated in the commissioner and that the board of estimate is not likely to function publicly. It seems likely that some changes will be made, especially in the board of estimate and possibly in the direction of insuring minority representation. There is considerable sentiment in the county and in the commission in favor of a small council elected by proportional representation, which will in turn select a county manager. It is, however, unlikely that this plan will be recommended, and it is only fair to say that it would be unlikely that so novel a proposal would win a popular majority at this time along with all the other changes in the county organization.

ROBERT MOSES.

II. CITY MANAGER NOTES

City Manager Elections.—Elections on the adoption of city manager government are being held in Utica, New York, Hudson, New York, Stockton, California, Santa Rosa, California, Augusta, Georgia, Cordela, Georgia, and Beverly, Massachusetts.



Recent Adoptions include Tulare, California, and Heaveney, Oklahoma; Avon Park, Florida, and Red Oak, Iowa, have adopted the plan by ordinance. On October 4, the plan was defeated in North Attleboro, Massachusetts.



C. M. Osborn, manager of East Cleveland ever since the adoption of the city manager form there five years ago, has resigned to accept the managership of Kenosha, Wisconsin. Charles A. Carran, formerly director of finance under Mr. Osborn, has been appointed to succeed him.

Montana will vote at the November election on an amendment to the state constitution authorizing city county consolidation. The impetus is coming from Butte which is anxious to consolidate with Silver Bow county under the manager plan.



The Lynchburg (Va.) "News," published by Carter Glass, is enthusiastic over the showing made by the city administration under Manager Beck. During the past two years an extensive street improvement program has been financed by current revenues. In this period the city's liquid assets have increased \$1,150,000.



In the Referendum recently conducted by the Illinois State Chamber of Commerce on the question whether cities of more than 5,000 population should have the power to adopt city manager

government, thirty cities out of thirty-two voted in the affirmative. In twenty-four cities an actual poll of the membership of the chamber was taken and only one returned a majority in the negative. In nine organizations the vote was cast by the directors and again only one cast a majority for the negative.



Movement to Repeal Nashville Charter.—A charter framing committee, which was appointed by the mayor of Nashville, Tennessee, has completed a draft of a new charter, which, if adopted by the legislature, would mean a return to the old aldermanic form of government with all its boards and a council of twenty-five.

The city has operated under the present charter, which was ratified by the state legislature, since February, 1921. Of the fifteen councilmen elected under it thirteen are said to have won by large majorities because they were openly pledged to the appointment of Felix Wilson for mayor, who frankly states that he was made mayor because of his opposition to the charter. Mr. Wilson contends that by calling for an open dec-

laration of council candidates, the political machine then in control of the administration was prevented from gaining control of the new instrument of government.

The present charter is a distinctive one. It specifically provides that the mayor "shall be a full time officer, appointed by the council for an indefinite period, subject to removal by the council, shall be designated mayor, shall have all the powers and duties of a business manager, and have supervision and control of all of the administrative affairs of the city." Responsibility is centralized further than in the commonly adopted city manager charter in that the mayor appoints not only all department heads, but the city clerk, treasurer, judge, attorney and board of education.

In the recent election for members of the legislature the entire ticket advocating the repeal of the present charter and return to the old aldermanic government, was elected by a very substantial majority, indicating that this majority favored a return to the aldermanic government with an elected mayor, city judge, board of public works, and council of twenty-five members.

III. MISCELLANEOUS

Death of Lieut.-Com. C. P. Shaw.—In the death of Commander Shaw civic reform loses a staunch advocate. He died on April 26 after a life of great usefulness to the public. His particular interests were the short ballot, proportional representation and civil service reform. Many came to look upon him as the official collector of data and compiler of information regarding reform movements in municipal government.

Commander Shaw served in the navy for twenty years. His own city, Norfolk, and the state of Virginia are indebted to him for much that is modern in their municipal life.



Dr. Delos F. Wilcox, public utility consultant, has moved his main office from New York to 436 Crescent Street, Grand Rapids, Michigan. In announcing the change, he declares his belief that there is no solution of the utility problem consistent with public interest except in public ownership and operation. He is accordingly building up a staff specially equipped to assist cities in acquiring and operating their utilities. The requisite services which cities will need and

which he will be prepared to offer include general surveys, preparation of legislative measures, studies of transportation needs in relation to city planning, preparation of plans and estimates for new utilities, help in negotiation of contracts, estimates on costs of operation, etc.

Cities desiring to own and operate their utilities now have available the services of an experienced consultant and staff whole-heartedly committed to public operation who are specializing in this particular form of service.



Charter Makers Divorce Morals from Business.—The board of freeholders, which is framing the Stockton, California, home rule charter, announce that they intend to divorce the managing of the business affairs of the city from the handling of moral questions, by removing the police department and the chief from supervision by the manager and empowering the chief to attend to all moral and criminal matters. It was pointed out by a local attorney that, no matter how excellent a manager might be as a business executive, a situation might arise wherein the

council would have to remove him if he were not efficient in enforcing moral laws. Thus the city would lose a good man.

Whether the city manager will be expected to ignore morals in the management of the city's affairs has not been stated by the charter commission.



Engineering Societies' Employment Service.—

The four National Engineering Societies consisting of The American Society of Civil Engineers, The American Institute of Mining and Metallurgical Engineers, The American Society of Mechanical Engineers, and The American Institute of Electrical Engineers are developing along interesting lines. One of these activities comprises the employment service, better known as the Engineering Societies' Employment Service, which is tending toward a national clearing house for engineers, from the highest paid executive to the man just out of college.

The administration of the service is in charge of Mr. W. V. Brown, 29 West 39th Street, New York, who will be glad to help you get in touch with the engineers you are looking for.



The American Society for Municipal Improvement held its twenty-eighth annual convention in Cleveland last month. Prominent subjects on the program included specifications for street paving, sewer specifications, water supply and transportation. The Ohio State Conference on City Planning met jointly with the society.



Civic Club Manages Summer Band Concerts for Pittsburgh.—Following violent protests against the quality of music provided the city of Pittsburgh at the summer concerts, the Civic

Club of Alleghany County was delegated by the administration to manage the concerts with a view to improving the conditions complained of. By reducing the number of bands and increasing their size, by careful attention to expenditures, by introduction of better programs, and in numerous other ways, the concerts were made more attractive to larger audiences with distinct improvement in their cultural influences.



Dublin Pushing City Plan.—The Civics Institute of Ireland was founded in 1913 to promote civic surveys, improved administration and city planning in Dublin. In 1916 it awarded a prize of £500 for the best town plan for that city. Now with the realization of the Irish Free State, the Civics Institute has resumed activity. To frustrate bad housing conditions and haphazard growth of a reconstructed Dublin, the Institute is beginning a campaign of publicity on what city planning means with respect to the economic and health interests of the people.

We wish them great success and will watch future developments with keen interest.



The Canadian Municipal Journal has been incorporated with the *Municipal Review of Canada* under the management of Harry Bray, who founded the former journal in 1905 and left it to take charge of the department of municipal affairs of the Repatriation Committee. The NATIONAL MUNICIPAL REVIEW extends cordial fraternal greetings to the new Review.



Correction.—The reviewer of William Bassett's pamphlet, *The Board of Appeals in Zoning*, in the September REVIEW, was Robert H. Whitten and not Robert H. White as was printed.

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The National Municipal League.

H. W. DODDS, *Editor*.

Sworn to and subscribed before me this 25th day of September, 1922.

HENRY J. WEHLE,

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NATIONAL MUNICIPAL REVIEW

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COMMENT

*Can we
Elect Judges* Martin Van Buren in his *Autobiography* (a volume of 800 pages sold by the government for a dollar and worth it) refers to the generally accepted belief (in 1821) that the judiciary ought not to be elected. Unfortunately, Jacksonian democracy changed all this and to-day in many states only an occasional voice is raised in favor of the appointive system. Van Buren, one of the first American bosses, was agreeable to the popular election of judges for he knew how to operate a political machine. But can we, who observe at each election the wild scramble of judicial candidates, their weird antics and the extraneous issues they trump up, be so complacent?

*

*Dayton Sustains
C. M. Government* On November 7 Dayton voted down by a vote of 25,000 to 16,000 a proposal to abandon city-manager government in favor of the federal plan. On the same day Waltham, Massachusetts, the first city in the state to adopt the manager plan, became the second city in the United States to give up its manager charter in favor of a mayor and council. Manager government in Waltham had to bear the blame not only for higher taxes, but for higher rents as well.

At the same election, Springfield, Massachusetts, refused to accept a modern mayor-council charter. The principal objections were that the proposed charter abolished party elections and introduced the initiative and referendum.

*

The Elections Everyone, with the possible exception of the *Washington Post*, agrees that the voters at the last election had it in for somebody. And this applies as well to constitutional amendments and legislative proposals as to candidates.

The \$500,000,000 water power project in California, described in full in this issue, seems to have been defeated by 3 to 1. Most of the other thirty measures on the California ballot suffered a similar fate.

In Ohio an amendment embodying some of the provisions of the new municipal indebtedness law failed. The purpose was to prohibit the issuance of paper for current expenses and to limit the term of a loan to the period of usefulness of the improvement. Another amendment to limit the tax on property, including state taxes, to 15 mills also failed.

In Virginia a proposal to call a constitutional convention was defeated.

Many friends of constitutional revision opposed it because of the fear that a convention elected at this time would be dominated by a reactionary group.

A proposed amendment authorizing the state to engage in the banking business was defeated in South Dakota. Minnesota defeated an amendment for an occupational tax, but approved a rural credits measure by which the state will lend its credit for agricultural purposes.

In Michigan a state income tax amendment was turned down by a 100,000 majority. An excess condemnation amendment was defeated also, although by less than 20,000 votes. Lack of interest in the latter among the rural districts is the attributed cause of its failure.

Nebraska successfully resisted another raid on the direct primary.

Pennsylvania adopted an amendment permitting the legislature to grant home rule to cities.

Illinois, Iowa, Kansas and Oklahoma approved soldiers' bonus measures.



*Hare System
Declared
Unconstitutional*

The California court of appeal for the third district has declared that the Hare system of proportional representation as provided by the new Sacramento charter is unconstitutional. The case now goes to the state supreme court. The suit was brought by an unsuccessful candidate for city council. The opinion reverses the decision of the

lower court, which found P. R. constitutional.

The grounds for declaring it unconstitutional are similar to those discovered by the Michigan court in the Kalamazoo case, viz., that it violates the voter's constitutional right to vote at all elections, and thus contravenes section 1, article II of the California constitution. The "right to vote at all elections" is held to guarantee the right to vote for candidates for all offices to be filled.

Although we have seen only extracts from the court's opinion (handed down October 23), it is safe to say that it rests upon the assumption, wholly gratuitous, that the only possible basis of representation is a geographical area. Thus if nine councilmen, says the court, are to be elected from the city at large, each voter must be allowed to vote for nine just as if the nine offices were distinct in duty and name. Of course if the city were divided into nine districts, one councilman from each district, a voter undoubtedly could vote for but one.

Why is it that a court should, for a second time within a few months, display ignorance of any possible political constituency except area measurable by square miles? The patent fact, easily demonstrable by mathematics, that the Hare system gives an individual more voice in elections and stronger representation in the legislative body is studiously ignored.

The decision coming, as it did, a few days before the Los Angeles election on P. R., doubtless influenced the result.

H. W. DODDS.

“ZE CEETY PAYS”

BY HAROLD A. CAPARN

Not very long ago I sat on a bench in one of the New York City parks. Nearly opposite on another bench sat a happy and shortish and stoutish family eating lunch. You could see they were a family, they were so much alike. There were “poppa” and “momma” and several children from about 26 inches to 31 inches high. They all smiled. Why wouldn’t they smile? It was a beautiful day, they had had a good lunch, and they didn’t have to clear away after them.

Presently poppa gave one of the children a pasteboard box of the kind that I want another biscuits come in. He took it and proceeded to tear the paper cover slowly into eleven bits and let the wind blow them in eleven different directions. Meantime, poppa looked on and smiled benignantly.

Then I thought of the way they pick up papers in the parks. You have seen how they do it. An oldish sort of man comes along with a spiked stick and a bag. He stabs each piece of paper separately and puts them all into the bag. In this way, he can pick up quite a number of pieces in a day.

Then I thought of what it costs to pay this man and all the other men who pick up papers that people ought to pick up for themselves, or that never ought to be scattered around. And I remembered the South Parks in Chi-

cago, where it costs them \$28,000 a year to pick up papers! Think of what one could buy with all this money in the way of swimming pools, or gymnasiums, or tennis courts, or other things really worth while!

So I thought it was time to say something, and I went up to him and began: “My friend”—

(It seems a little queer that if you address some people as “My friend” they get rather angry, while some others seem to like it. It seems to me to show a nice disposition to be glad to be told that you are somebody’s friend.)

“My friend,” I said, “don’t you think it’s a mistake to let that boy tear up that paper? Don’t you know that every piece has to be picked up, and that you and I help to pay for it?”

But he looked at me and smiled cheerfully. “Ah, no!” he said, “it is alright! Ze ceety peeck him up; we no pay.”

“Yes, but,” I persisted, “don’t you know what the city is? It is you and I and everybody else. We all help to pay the taxes. All this work raises the taxes and helps to make rent and groceries and clothes cost more.”

“Ah, no!” he replied, “you do not understand! We no pay! Ze ceety pay.”

So I gave it up. I couldn’t make him see that he and I were helping to pay for picking up those bits of paper.

ROUTING GERMS IN FRAMINGHAM

BY HELENA V. WILLIAMS

One American city demonstrates that tuberculosis can be controlled.

A GREAT many people in the world claim that health is almost entirely a matter of luck. Illness, they maintain, comes like a thief in the night, generally striking down its victim when his or her life's work is most needed or is at its height. Wherefore, they proceed to lay away money for a particularly rainy day of sickness and heavy doctor's bills. Not that taking thought of such an eventuality is not an excellent and laudable habit. But the foresight of a man having the above-mentioned viewpoint regarding his health is very apt to be a rather one-sided business. It leaves out of consideration one important factor—namely, that the proper way to safeguard against illness is to prevent it by checking the first symptoms—or better still by not allowing a first symptom to appear. It is the realization of this fact that has brought modern preventive medicine to the fore during the past decade. That it is a workable and highly effective plan which can be applied not only to an individual life, but to a whole community at a time, has been indisputably proven by the successful work of the Health Demonstration now being conducted in Framingham, Massachusetts.

Within a period of five years, Framingham, Massachusetts, a typically American town, with typical health, industrial and social problems, possessing a typically American population, has reduced its tuberculosis death rate from a 10-year average of 121 per 100,000 to 40 per 100,000, or a reduction of 67 per cent. This reduction, if

applied to the United States as a whole, would have resulted in the saving of 50,000 lives in 1921.

THE FRAMINGHAM PROBLEM

In 1917, the National Tuberculosis Association began a demonstration in Framingham with a fund of \$100,000 donated by the Metropolitan Life Insurance Company, in an effort to show whether tuberculosis may be controlled in an average American town. If it could, they argued, then other towns, profiting and inspired by the example, could and would doubtless do the same.

The death rate from tuberculosis for the ten years preceding the demonstration, with resident and certification corrections, was 121 per 100,000. In the past five years these death rate figures have been reduced to 40 per 100,000, or nearly 7 per cent.

THE PROGRAM

Framingham has demonstrated to the world that with sound community methods, the great white plague can be controlled, and the number of deaths resulting from it reduced to a minimum. Under the leadership of Dr. Donald B. Armstrong the executive director, aided by Dr. P. Challis Bartlett, the medical consultant, and an excellent staff, the inhabitants have been convinced that community health is purchasable just the same as streets, fire engines or public schools are purchasable, and that it is a sound investment. The people of Framingham are now paying \$2.15 per person for

health, a record for American cities of this type. The results achieved are due to the co-operation of the entire community.

Under Dr. Armstrong a sickness survey was organized in which insurance agents, nurses, citizens and school-teachers all took a part.

This undertaking revealed a far greater amount of illness than anyone had suspected. The information secured from this survey, however, was not sufficiently accurate for scientific purposes, and Dr. Armstrong followed it with a medical examination campaign.

For this work a score or more doctors were brought to Framingham to work with the local physicians. A definite time was set, and the campaign widely advertised. Hundreds of homes were visited and thousands of people were examined. While the doctors looked especially for tuberculosis, they tried to discover other pathological conditions as well. This campaign was followed by similar ones later, and the school board was urged to make a physical examination of every school child.

THE RESULT OF EXAMINATION

The Demonstration then offered the services of Dr. Bartlett to the doctors of the town, as consultant and expert in tuberculosis, his services to be given free, or at whatever price the physicians might wish to pay. As a

result, the number of known cases of tuberculosis in the first and second years of the demonstrations activities jumped from 27 to over 250. For these cases the community immediately proceeded to provide. The hopeful cases were sent to the state sanatoria, from which many have since been discharged as arrested cases. The more advanced cases were sent to hospitals for careful attention, and of these, too, a number have also been restored to working capacity. The children having active tuberculosis, or who had been in close contact with tuberculous parents, received expert care at home, at a camp or at children's institutions. Tuberculosis nurses frequently visited the homes where families were given instruction in the care of the patient, the prevention of infection, and so on. And both children and adults were supervised through the school or industry with which they were connected.

Framingham has set a standard of community health which other cities may take pride in following. Much of the tuberculosis work that is being done at present is under the auspices of voluntary organizations whose chief supply of funds for the campaign is procured through the annual sale of Christmas seals. Every seal that is purchased helps to advance the cause of better health in every community in the country.

CONSTITUTIONAL CONVENTION CONSIDERS CITY-COUNTY CONSOLIDATING FOR ST. LOUIS

BY HARLAND BARTHOLOMEW

The city of St. Louis has outgrown her old boundaries. In the interests of health, city planning, parks, flood prevention, etc., parts of St. Louis county should be consolidated with her. But there are strong obstacles.

THE constitution of Missouri adopted in 1875 effected the separation of the city and county of St. Louis. According to the terms of the agreement reached at this time the boundaries of the city of St. Louis were increased to such an extent that the area of the city was more than doubled. The purpose of the separation was to avoid duplication of political offices and of taxation which was secured in these two respects. By more than doubling the city area a considerable degree of foresight was presumed to have been exercised. Subsequent growth, however, has shown that the judgment of the constitution framers was not sufficiently farsighted. Within less than fifty years St. Louis has grown up rather tightly to its city limits in several directions and a large percentage of new growth is taking place outside the established city limits.

TO EXPAND ST. LOUIS

The separation of the city and county, having been effected by a constitutional provision, literally so established the present city limits that they cannot be changed except by constitutional provision. A considerable demand for a change in the city limits has arisen from time to time, but no hope of changing the present city boundaries was in evidence until

the people of Missouri voted in favor of a constitutional convention in 1921. The convention convened in May, 1922.

The question of expanding the limits of the city of St. Louis was referred to the committee on counties, cities and towns of the convention. Various proposals have been made to this committee and a very perplexing dilemma has arisen. Any expansion of the city limits will be at the expense of the county, more especially since the more densely populated and hence the greatest taxable values in the county are in the cities and towns which immediately adjoin St. Louis. An arbitrary detachment of these cities and towns from the county to the city is not beneficial from the county standpoint and is strongly opposed by county officials. On the other hand a considerable sentiment has developed in a number of the communities for annexation to the city of St. Louis because of increasing taxes for water, schools and other purposes.

A PROPOSAL TO RESTORE THE COUNTY

A second proposal has been the re-entry of the city of St. Louis into the county, which is opposed on the ground that it would again offer opportunity for duplication of taxation and of political offices. A third proposal is that the entire county should

be absorbed by St. Louis. Little expression of public opinion has been forthcoming on this proposal except that it would create a very difficult tax problem, since there are some 492 square miles in St. Louis county as well as 61.37 square miles in the city of St. Louis. This would create a city much larger than that of any other in the United States, Los Angeles, the largest city in point of area, having only approximately 350 square miles, and the area of New York being approximately 327 square miles.

OLD BOUNDARY LINES NO LONGER FIT

Certain it is that the city of St. Louis needs relief. It has far outgrown its present boundaries and is not profiting by the growth which it has helped to create. St. Louis county has a population to-day of approximately 100,000 people whereas it had a population of 50,000 in 1900. Already the city of St. Louis has numerous interests in St. Louis county. It has purchased a farm for delinquent children, another for tubercular and insane, while a large additional area will soon be needed in connection with the expansion of the waterworks system, a new source of supply being contemplated on the Missouri river. Splendid scenic areas along the Meramec river, the Missouri river and Creve Coeur lake can now be secured, which in the course of a very few years will be spoiled if the city does not secure control. It is estimated that some 500,000 front feet of land has been subdivided into building lots within the past year most of which is in St. Louis county and over which the city of St. Louis has no control. Bad housing conditions are being created in certain sections of St. Louis county immediately beyond the city limits. River des Peres, a troublesome stream having a watershed of some 70,000 acres,

passes through the city limits of St. Louis before it reaches the Mississippi river. St. Louis, therefore, has to contend with most of the flood water even though only 16,000 acres of the watershed are within the present limits of the city, and there is inadequate legislation for joint district sewers. St. Louis county does not have to contend with the storm water problem and is therefore not interested in helping to solve this very difficult matter. The city of St. Louis is now preparing to expend more than \$10,000,000 on the elimination of nuisances caused by this stream, not one cent of which can be assessed in St. Louis county.

It is particularly important that the present constitutional convention at least open an opportunity for a solution of this problem. Another constitution for the state will probably not be written within the next fifty or one hundred years. Within this time there is no reason to doubt but what the city of St. Louis will expand to two or three times its present size and unless it can exert some measure of unification of control over physical development, tremendous problems will arise. This situation is another illustration for the need of regional planning which has recently excited much interest in the larger cities of the country.

COMMITTEE REPORTS COMMENDABLE PLAN

After several months' consideration of the political and other intricacies of the problem above referred to, the committee on counties, cities and towns has presented a most commendable report to the convention. The report provides that upon compliance with certain provisions including consent of the voters in any given section of the county and the city of St. Louis, portions of the county may be added to the city up to a point where the

area of St. Louis county will not be reduced to less than 410 square miles. Since the present area of St. Louis county is approximately 492 square miles this means that 77 square miles may be added to the present area of St. Louis, or more than double that at present contained within the city limits.

The report also makes possible the changing of county boundaries so that should St. Louis county adjust its boundaries in other directions, even more area might be added to the city. Areas added to the city of St. Louis under this provision would not preserve their local identities, becoming part and parcel of the city, which would assume any existing indebtedness of absorbed areas.

The report of the committee also makes possible the acquisition of ground within the county by condemnation, which power has not heretofore been enjoyed. This means that St. Louis would not be restricted as here-

tofore in opportunities for securing favorable sites for its eleemosynary institutions, waterworks or an outer park system.

The report of the committee also includes three other important measures, zoning, excess condemnation and police home rule. In fact the committee report recommends home rule for cities in every respect except elections, education and public utilities.

It will be a matter of great interest to see what action is taken upon the report by the constitutional convention. It may safely be said that the committee's report goes beyond the expectations of those chiefly interested in and acquainted with the present situation.

A minority report was presented by a few members of the committee, recommending the consolidation of St. Louis and St. Louis county, but it is not expected nor hoped that the majority report will be substantially altered.

BILLBOARD CONTROL TO DATE

BY EVERETT L. MILLARD¹

THE chief reasons why boundless acres of out door advertising signs offend the view throughout the country have been: First, the apathy of the public, and second, the difficulty of legal control.

CONFLICTING PURPOSES

Almost everyone except those financially interested dislikes the billboards, but most people, wishing they could be done away with, prefer to "let George do it," and are seldom willing to trouble themselves to write letters of objection to advertisers or to bring pressure on the local authorities to pass and enforce the ordinances that are possible. They need to be led in these campaigns by civic organizations, clubs and institutions, which are able to translate the incoherent protest of the public into effective action. There is no longer any doubt as to what the general feeling is, because boards have grown in number greatly during recent years, especially along railroads and country roadsides, and the people have become more vividly aware than they used to be of their flaunting selfishness. People have also a much stronger realization of the fact that beauty is not divorced from the pocketbook; that it is good business to make a community attractive, and that a city which offers beautiful streets and country surroundings to the tourist and the dweller gets more trade, and has higher real estate values than one that does not. Many millions of dollars are being spent on city development and beautification plans through-

out the country, part of which is spent for the purpose of facilitating traffic and business, but much of which is spent for beautification, and these plans are in general popular. What common sense is there in voting these millions of dollars of taxpayers' money for adornment, only to have the effect in a large measure spoiled by a fungous growth of advertising signs springing up in every location that prominently meets the eye? People who want civic beauty are no longer sneered at, and its development is now a business as highly respected by governmental agencies as any other. The practical business man sees that he is letting the billboard nuisance obtrude itself for no return. More important than this, the city home dweller finds the boards a continuing detriment to health and safety from crime and fire, as well as eyesores.

The manifest evidence all over the country of these facts, from individual opinion, newspaper editorials and restrictions placed upon boards in many localities now availing themselves of the clearer legal situation, shows that the apathy of the people is in large measure disappearing, and that they are ready to back up any campaign taken in their behalf.

SUPREME COURT RECOGNIZES UTILITARIAN OBJECTIONS

The boards had a good chance to grow to their present abundance, because of the legal confusion in their regulation. The first attacks on them were made on the basis of æsthetic objections only, and the courts have almost uniformly held that these were insufficient to support a regulatory

¹ President of the Municipal Art League of Chicago; Chairman, Billboard Committee of the American Civic Association.

ordinance; that unlike offenses to the nose and ear, offenses to the eye could not be prohibited. Since, however, the decision of the United States supreme court, in the case of *City of Chicago vs. Cusack Co.*, 242 U. S. 526, there has been a clearly defined basis for regulation and prohibition in certain cases. In that case, it was held that an ordinance requiring a majority of frontage consents in residence blocks was valid, and it therefore follows that a prohibition of boards in such residence districts would be valid, because the frontage consent is merely a waiver of the right of prohibition. The court found that fires started from the accumulation of combustible material which gathered around such billboards; that offensive and insanitary accumulations were habitually found about them, and that they afford a convenient concealment and shield for immoral practices and for loiterers and criminals; that residence districts do not have as full police or fire protection as other sections have, and that the streets of such sections are more frequented by unprotected women and children and are not so well lighted as other sections.

Based upon these utilitarian objections, it is possible now to progress from an ordinance requiring a majority of frontage consents in residence districts to one prohibiting boards in residence districts, and many cities, notably Los Angeles, have already taken advantage of this decision to secure such an ordinance. It should require only concerted action by those interested, and the co-ordination of civic organizations and individuals in bringing pressure upon municipal governments.

Upon a case with proper foundation of evidence the same objections might be extended to at least some types of business sections.

ZONING A WEAPON

The recent popularity of zoning in cities and wide appreciation of its value for both business and residence purposes, with a clearer definition of the law on the subject has further opened a broad field for effective regulation of outdoor advertising. In residence districts these ordinances generally provide that no structures other than those specified are allowed, which automatically prohibits boards, unless mentioned. Zoning ordinances must be reasonable under the police power, and the legal difficulties lie only in understanding the scope of the police power. This power extends, of course, to the public health, morals and safety. That it extends also to the power of the state to provide for the public convenience, welfare and general prosperity by appropriate legislation is also settled, by cases such as *Bacon vs. Walker*, 204 U. S. 311, and *Lake Shore & Michigan Southern Ry. Co. vs. Ohio*, 173 U. S. 285. The exact scope of the regulation of outdoor advertising under the general welfare and public convenience is not clearly defined. Zoning regulations may be upheld under it, including regulations of boards where the application of the ordinance is general to the community or to districts of certain classes therein. Boards might be regulated under this power in ordinances covering that particular subject only, and have been so regulated in Washington without attack.

In a properly prepared case the billboard companies may yet be as much surprised to find that the supreme court upholds their regulation on æsthetic grounds as they were in the decision in the Cusack case. The decisions have been mostly on ordinances clearly prohibitory in intention, and the courts will accept almost any legal peg that gets them away from the

precedents invalidating the æsthetic basis. There is at least a growing tendency toward a revision of the old narrowness of the decisions, and recognition that modern living conditions and congestion have changed the utilitarian excuses for allowing offenses to the eye to go unimpeded.

Boards along railroads and country roadsides, which are now causing more and more offense to the public, are harder to control. They can be removed from the public parkways in almost any state, but the difficulty comes in removing them from privately owned land fronting the highways. The proper way to control this is by giving municipalities constitutional power, as Massachusetts has, to regulate advertising on private property within public view. Such powers will be progressively given with the development of public education and sentiment on the subject. Meanwhile township authorities find their power of removal of country boards more limited than that the cities have attained.

WHAT WAS ACCOMPLISHED IN COLORADO

The splendid movement to abolish the advertising signs at the mountain

parks of Denver, conducted by the Colorado Rocky Mountain Club, offers an example of what sufficient vigor and public spirit will accomplish. The advertisers on the signs defacing those beautiful landscapes were approached one by one by the club committee, and the results published in the club bulletin. Gradually those holding out diminished in number, until none remained. Indefatigable work is needed for this, for the billboard companies themselves appear to have no men of broad public spirit behind them and of much foresight of public opinion. They are heading their industry, by contempt of all motives except narrow selfish gain, into the position the liquor people arrived at. No landscape is too lovely for them to spoil, even though it educates people to hate them for it.

Community effort upon the advertisers direct, and upon the city fathers and state solons to make and enforce laws regulating outdoor advertising to the full extent permissible affords a field of control that is bounded only by the energy of the workers.

A COMMENTARY UPON THE COMPARATIVE TAX RATES OF THIRTY-TWO CITIES, 1922

BY C. E. RIGHTOR

The table of comparative tax rates, compiled by The Detroit Bureau of Governmental Research and published below, is explained and analyzed

IN the absence of available data on tax rates levied by the larger cities in the United States, the Detroit Bureau of Governmental Research has collected and tabulated the total tax rates in thirty-two cities for the year 1922.

BASIS OF COMPILATION

To arrive at a comparable tax rate basis, the varying legal bases of assessments in different states are adjusted uniformly to a 100 per cent basis. For instance,—property in Illinois is assessed at 50 per cent of the true value; consequently a tax levy of \$76.50 per \$1,000 assessed valuation in Chicago is reduced to one half of that amount, or to \$38.25 on the adjusted basis of 100 per cent.

Further, while the usual statutory provision in states is that property shall be assessed at "true cash value," experience indicates that a full valuation upon this basis is seldom made. Therefore, to assure more nearly equality in the comparisons, the tax rate is further adjusted upon the ratio of the assessed value to the true value of the property. For instance,—in Detroit, the tax rate for 1922, for all subdivisions, totals \$28.34; it is estimated that property in Detroit is assessed on an average at 80 per cent of its "true value," therefore the tax burden on property of all kinds in the

city of Detroit is actually only \$22.67 per \$1,000.

A tabulation of tax rates so compiled adjusts the levies of the various cities to a uniform and comparable basis, and, it is believed, reflects the relative burden upon each \$1,000 of property for all taxes levied for one year.

Except as noted, therefore, the tax rates for each purpose and the total tax rates are actual figures, and may be accepted at full value.

The legal basis of assessment needs no comment, as it will be seen that nearly all states now require a 100 per cent basis of assessment. For comparison, it is obviously permissible to adjust the rate to a standard 100 per cent basis for all cities.

The final three columns are, of course, only estimates, as it would be difficult if not impossible to determine with exactness for any city the ratio of assessed values to true values. The ranking of any city must depend upon the accuracy of this "guess" or estimate, and in examining the rankings the basis for them should be borne in mind.

The figures should be accepted for just what they are labelled,—nothing more nor less. In other words, an industry would not be justified in accepting them as a reason for deciding to locate in a city shown to have a low tax rate according to the adjusted

tabulation, because it is not purported that all the evidence is presented.

THE TAX RATE REQUIRES SUPPLEMENTARY DATA

Those conversant with tax problems will agree that the "tax rate" alone means nothing,—even though inquiries relative to tax rates are frequently received from citizens and taxpayers, realtors, and industries.

Too many elements enter into the seemingly simple question.

The ratio of assessed to true property valuations, the scope and extent of services undertaken by the cities, the area and population served, the topographical and other natural conditions, and the revenues from ordinary and extraordinary sources,—all these, and many other factors, have a bearing on the question.

The public services performed is the basis for measuring the efficiency of municipal government. A tax rate, therefore, should be analyzed to ascertain the amount of each kind of service obtained by the community, for comparison of services in the various municipalities.

Because undue value may be placed upon the statement of tax rates, without ample consideration of the facts pertinent to the rates in many instances, it is deemed well to offer a word of caution and suggestion.

PURPOSES OF LEVY VARY

With respect to the table, it will be noted that the purposes of levy vary. In some cases the city rate includes such extraordinary levies as port, dock, park, flood prevention, etc. These instances are referred to in the notes. Again, in certain cities there is no county levy, due to city-county consolidation or the absence of any county government, as indicated in the notes accompanying the tabulation. Com-

parisons may be made properly only when these facts are considered.

Further, some states have no real estate tax, notably Pennsylvania, California, and Delaware. Ohio levies but a small tax for state purposes, although the table would indicate a rather substantial levy of \$3.67. The note opposite Cleveland shows, however, that of this levy, \$2.65 is in reality an attempt to overcome the undue restrictions and internal limitations of the so-called Smith One Per Cent Law in that state.

Due to having the largest tax levy for schools, Chicago ranks sixth in amount of total adjusted tax rate. It is of interest to note in this connection that Chicago has followed for some years the "pay-as-you-go" policy of constructing new schools, the entire building program each year being borne by general taxation. As a result, the tax rate is high, but the city has no bonded debt for schools (to be exact, \$125,000 school bonds were outstanding on January 1, 1922), and of thirty-two cities, Chicago stands fourth from the smallest in amount of total bonded debt.

NATURE OF ASSESSMENTS VARIES

It should be observed that there is considerable divergence in the nature of assessments against which the tax rate applies.

The total assessment roll may include a large percentage of personalty, as in Cleveland, where 42.7 per cent of a total valuation of \$1,700,000,000 is assessed in that class. This compares with Detroit's personal assessments, which are 23.7 per cent of a total roll of \$1,954,000,000. Michigan laws exempt many kinds of personal property that are taxed in Ohio.

On the other hand, exemptions in some states have worked nearly to eliminate consideration of personalty,

COMPARATIVE TAX RATE FOR THIRTY-TWO CITIES FOR 1922

COMPILED BY THE DETROIT BUREAU OF GOVERNMENTAL RESEARCH, INC.

From Data Furnished by Members of the Governmental Research Conference, and City Officials

| Tax rate per \$1,000 assessed valuation | | | | | | Legal basis of assessment | Adjusted rate 100% basis of assessment | Estimated ratio of assessed to true value | Adjusted tax rate on estimated ratio of assessment | Rank on adjusted tax rate |
|---|--------|-------|--------|-------|-------|---------------------------|--|---|--|---------------------------|
| City | School | Debt | County | State | Total | | | | | |
| 1. New York City ¹ | 5.90 | 8.14 | .76 | 1.26 | 27.40 | Per cent | 27.40 | Per cent | 26.58 | 9 |
| 2. Chicago ² | 28.10 | .... | 7.10 | 4.50 | 76.50 | 100 | 38.25 | 97 | 28.69 | 6 |
| 3. Philadelphia ³ | 17.50 | .... | .... | .... | 27.00 | 50 | 27.00 | 75 | 24.30 | 16 |
| 4. Detroit ⁴ | 9.50 | .... | 2.67 | 3.62 | 28.34 | 100 | 28.34 | 90 | 22.67 | 20 |
| 5. Cleveland ⁵ | 14.59 | 6.25 | 2.17 | 3.67 | 24.60 | 100 | 24.60 | 80 | 22.14 | 21 |
| 6. St. Louis ⁶ | 12.76 | 2.20 | .... | 1.30 | 25.00 | 100 | 25.00 | 90 | 23.00 | 19 |
| 7. Boston ⁷ | 8.04 | .... | 1.49 | 1.84 | 32.74 | 100 | 32.74 | 92 | 32.74 | 2 |
| 8. Baltimore ⁸ | 20.37 | 4.42 | .... | 3.07 | 21.94 | 100 | 21.94 | 100 | 19.75 | 27 |
| 9. Pittsburgh ⁹ | 11.50 | 7.10 | 5.25 | .... | 33.24 | 100 | 33.24 | 85 | 28.25 | 7 |
| 10. San Francisco ¹⁰ | 15.40 | .... | 4.40 | .... | 34.70 | 100 | 34.70 | 50 | 17.35 | 29 |
| 11. Buffalo ¹¹ | 27.74 | .... | 5.43 | .... | 33.17 | 100 | 33.17 | 80 | 26.54 | 10 |
| 12. Milwaukee ¹² | 10.66 | 3.85 | 4.77 | 1.79 | 29.18 | 100 | 29.18 | 85 | 24.80 | 13 |
| 13. New Orleans ¹³ | 18.33 | .... | 5.71 | 4.06 | 37.80 | 100 | 37.80 | 100 | 37.80 | 1 |
| 14. Minneapolis ¹⁴ | 23.04 | 10.00 | .... | 8.25 | 35.75 | 100 | 35.75 | 85 | 30.39 | 3 |
| 15. Kansas City, Missouri ¹⁵ | 19.70 | 4.30 | 6.77 | 4.18 | 64.64 | 38 | 24.56 | 100 | 24.56 | 14 |
| 16. Seattle ¹⁶ | 10.00 | 4.51 | 10.00 | 1.00 | 27.30 | 100 | 27.30 | 74 | 20.29 | 26 |
| 17. Rochester ¹⁷ | 13.37 | 3.22 | 5.26 | 13.00 | 63.37 | 50 | 31.69 | 92 | 29.15 | 4 |
| 18. Portland, Oregon ¹⁸ | 13.23 | 2.64 | 5.77 | 9.86 | 34.74 | 100 | 34.74 | 80 | 27.79 | 8 |
| 19. Denver ¹⁹ | 11.79 | .... | 2.16 | 4.35 | 41.60 | 62 | 25.79 | 100 | 25.79 | 11 |
| 20. Toledo ²⁰ | 4.71 | 4.71 | 2.54 | 3.67 | 27.50 | 100 | 27.50 | 80 | 22.00 | 22 |
| 21. Columbus ²¹ | 5.43 | 4.35 | 5.10 | 3.67 | 20.40 | 100 | 20.40 | 80 | 16.32 | 30 |
| 22. St. Paul ²² | 7.45 | 9.01 | 16.42 | 4.18 | 67.00 | 38 | 25.46 | 100 | 25.46 | 12 |
| 23. Oakland, California ²³ | 15.40 | 5.22 | 8.07 | 3.67 | 49.10 | 100 | 49.10 | 50 | 24.55 | 15 |
| 24. Akron ²⁴ | 17.21 | 2.89 | 2.75 | 5.00 | 30.00 | 70 | 21.00 | 100 | 16.32 | 31 |
| 25. Atlanta ²⁵ | 4.59 | .... | 10.00 | 3.67 | 29.60 | 100 | 29.60 | 60 | 17.76 | 28 |
| 26. Dayton ²⁶ | 9.92 | 3.77 | 3.58 | 3.84 | 28.96 | 100 | 28.96 | 100 | 28.96 | 5 |
| 27. Grand Rapids ²⁷ | 10.18 | .... | .... | 2.50 | 25.00 | 50 | 12.50 | 100 | 12.50 | 32 |
| 28. Norfolk ²⁸ | 22.50 | 7.65 | 10.47 | 4.18 | 57.90 | 38 | 22.00 | 100 | 22.00 | 23 |
| 29. Duluth ²⁹ | 16.20 | 8.24 | .... | .... | 32.35 | 100 | 32.35 | 75 | 24.26 | 17 |
| 30. Toronto, Canada ³⁰ | 15.86 | .... | .... | .... | 23.87 | 100 | 23.87 | 100 | 23.87 | 18 |
| 31. Montreal, Canada ³¹ | 13.87 | .... | .... | .... | .... | .... | .... | .... | .... | .... |

Note: The cities are arranged in order of population (except for Toronto and Montreal), and the following cities are omitted as no data or incomplete data were furnished: 10. Los Angeles; 14. Washington; 16. Cincinnati; 21. Indianapolis; 22. Jersey City; 27. Providence; 29. Louisville; 36. Des Moines.

- 1 *New York City*. A single rate is levied—the distribution here shown is a computation. Rates for the five boroughs differ slightly because major public improvements are assessed upon the boroughs through the tax rate, and each borough pays the cost of its coterminous county government. The total rate shown is for Manhattan borough.
- 2 *Chicago*. All rates are estimated—actual rates are determined in December. The city rate includes sanitary district, forest preserve district of Cook county, and park board. The total rate shown is for South Park district (central business district and south side of city). The rate in other sections will be slightly higher because of variations in the park rate.
- 3 *Pittsburgh*. The city rate includes the cost of county government, which is consolidated with the city; the city rate also includes debt service rate of \$4. There is no state tax on real estate in Pennsylvania.
- 4 *Detroit*. The city rate includes debt service for the city, schools, and library.
- 5 *Cleveland, Toledo, Columbus, Akron*. The state rate includes \$2.65 school levy, retained by the county and redistributed to school districts therein.
- 6 *St. Louis*. The city is not within the confines of a county, but is a separate unit, so there is no county rate.
- 7 *Baltimore*. There are seven tax rates applied to eleven bases of assessed valuation; the total rate here shown is an average of these varying rates, and the distribution is an estimate. Baltimore city, not being in any county, performs the functions similar to a county.
- 8 *Baltimore*. A single rate is levied—the distribution here shown is an estimate. There is no state tax on real estate in California.
- 9 *San Francisco*. The city rate includes school and debt levies; the county rate includes state rate.
- 10 *Buffalo*. The city rate includes debt service.
- 11 *Newark*. The city rate includes county (or parish) rate.
- 12 *New Orleans*. The city rate includes port tax rate of \$1.
- 13 *Rochester*. The school rate includes debt for schools; the county rate includes state rate.
- 14 *Portland*. The city rate includes \$2 port rate and \$2 dock rate; the state rate includes \$2.15 levied by the state but returned to the city; the school and county rates include debt services of 20 cents and 53 cents respectively.
- 15 *Denver*. The city rate includes debt service rate.
- 16 *Oakland*. There is no state tax on real estate in California. Of the school tax, \$16.74 is levied by the county and 47 cents by the city; the debt rate includes city bonds, school bonds levied on the Oakland school district by both county and city, and 10 cents for county bonds.
- 17 *Atlanta*. The city rate includes school and debt service rates.
- 18 *Dayton*. The city rate includes \$4.56 for flood prevention and county rate 58 cents for same; the state rate includes \$2.65 school levy, retained by the county and redistributed to school districts therein.
- 19 *Grand Rapids*. The city rate includes debt service.
- 20 *Norfolk*. The city rate includes school and debt service rates. There is no county rate in the city.
- 21 *Montreal*. The school rate shown is the Protestant and Neutral rate; the Catholic rate for schools is \$7. The city rate includes debt service.

as in New York. For instance, Buffalo in 1921 had \$10,500,000 personal assessments, which has shrunk 20 per cent this year. The exemption by New York city of newly constructed residences from municipal taxes for a ten-year period, and the principle adopted in Pittsburgh of applying a millage (tax) rate to buildings at only a given percentage of the full rate applied to land, until, after 1925, the millage rate for buildings will be only 50 per cent of the full rate for land, are further examples.

TAX LIMIT LAWS AFFECT RESULTS

The existence of tax limitation laws, as in Ohio, has a bearing upon the rank of cities, which without consideration of all the facts gives them an unduly favorable aspect. A simple statement of the tax rate alone cannot reveal the fact that Cleveland during the past few years has issued deficiency bonds amounting to \$12,750,000, and that some other Ohio cities are similarly hard pressed. The fallacy of tax limit laws has been proved, but not universally remedied.

SEPARATION OF SOURCES OF REVENUE

The development in the separation of state and local revenues has an important bearing upon the property tax rate. Some states have already turned in part from property taxation to other sources of taxation, leaving property taxation largely for local requirements. Notably is this true in Wisconsin, Massachusetts, and New York, which

rely in part upon an income tax. It would be a fallacy to assume that because property taxes are low in these states, individual and corporate wealth in some other form did not have to support the state governments.

In some instances the fiscal year does not correspond with the calendar year, but it is assumed that ordinarily no great change in any rate will be found from one year to the next, so latitude in this respect is permissible without impairing the value of the figures.

Finally, it is fair to repeat that the table does report the actual tax rates on each \$1,000 worth of assessed property for 1922, in each of the cities, together with an estimate of the relative tax burden. This is all that may properly be construed from the tabulation.

This is the second annual compilation of tax rates made by the Detroit Bureau of Governmental Research. It is hoped that a similar report will be compiled each year, and possible discrepancies occurring in this report may be eliminated in future compilations. It is unfortunate that the tax figures for Los Angeles, Washington, Cincinnati, Indianapolis, Jersey City, Providence, Louisville, and Des Moines, were not furnished, and it is hoped to include them in future statements.¹

¹ Los Angeles reported its 1922 tax rate after completion of the statement. The rates are: City rate, \$10 (per charter limitation); Debt service, \$2.60; Basis of assessment, 50 per cent.

HUGE WATER AND POWER DEVELOPMENT PROPOSED IN CALIFORNIA

BY WM. J. LOCKE

Executive Secretary, League of California Municipalities

This measure was voted on at the November election. Early returns received as we go to press indicate that it was defeated by 3 to 1. ::

CALIFORNIA'S Water and Power Act is a proposed constitutional amendment, to conserve, develop and control the waters of the state for the use and benefit of the people; to make possible the unified and scientific maximum of irrigation, flood control and hydro-electric power development; to guarantee to separate communities the fullest possible freedom in solving their own water and power problem, with state assistance; to provide a method of unified control by which communities may co-operate, and to make the remaining nine-tenths of the water and power resources of California pay for their own development, without taxation of the people, without profit to middlemen, without new bonded indebtedness on the land, and with rates at cost to users of water and power.

WHAT THE AMENDMENT PROVIDES

The provisions of the amendment for carrying out the above purpose fall under four main headings. They are:

1. Availability of state credit for community development.
2. The organization of the California water and power board, to which are assigned powers to carry out the purposes of the act.
3. A definite legal process by which single communities or communities in groups may proceed under the act.
4. Safeguards against political control, or corrupt or unwise administration.

Communities, separate or united, may, under the amendment, procure state credit for irrigation or power development, or both, or for building or acquiring distributing systems for water or power or both. This credit will be extended only on the basis of proven, feasible projects, with assured returns sufficient to retire bonds in fifty years, and meet interest, operating, depreciation, maintenance, and other charges. For distributing systems, the return must be in twenty-five years. The sale of bonds will be limited in each case to the amount required for the project in hand, and the final limit of this gradual extension of credit, item by item, through a period of years, is \$500,000,000.

The foundations of the proposed amendments are *rates at cost* and *unified development*. Adjustments of rates from time to time, according to varying costs of labor and materials is provided, so that rates may always be kept on a cost basis. Pursuant to the need for unified development, the water and power board, of five members, appointed by the governor, is given adequate powers in co-operating with various communities, the state, or the United States.

Following are a few of the main safeguards against corrupt or unwise procedure:

1. The board must be representative, in its personnel, of irrigation and

municipal interests, and of geographical divisions.

2. Members of the board may be recalled, either by the legislature, or by direct vote of the people.

3. Amount of hydro-electric energy which may be sold to corporations, for necessary "stand-by" service, limited to 20 per cent. Limitation on price, to prevent collusion with corporations in selling people's power.

4. No confiscation of property possible, through provision requiring court proceeding, with award of compensation and damages, and recourse to jury trial if desired.

5. Country districts protected against possible aggression by large cities.

6. Cities assured of adequate supplies of water and power to meet needs of growth.

7. Proceeds from sale of bonds to be placed in state treasury—sufficiently answering the power company's untruth about the board "opening its own bank."

8. Flexibility in adjusting rates, in accordance with varying cost of construction and materials, so that rates may be kept uniformly on a *cost* basis.

9. A preliminary appropriation of \$5,000,000, to keep the board a "going concern" during the opening stages of construction, before returns from projects are at hand.

10. Auditing by the state department of finance.

11. Complete report of all proceedings to the governor, and to all members of the legislature, with all books and papers open at any time for the inspection of any citizen of the state.

12. Limitation of interest rates on bonds to 6 per cent, thus safeguarding the system against excessive interest rates.

The actual sale of the bonds is in the hands of the finance committee, consisting of the governor, the treas-

urer, the controller, the chairman of the board of control and the chairman of the water and power board. The actual *merits* of a proposed project are made an essential part of the committee's consideration.

FLOOD CONTROL AND IRRIGATION INCLUDED

California has reached a stage in her industrial development that demands the bringing of her water and power resources into use. The water is here and the potential power is here. The water must be brought to the land, and to the cities, and the power developed for home and factory.

Two methods of bringing them into use have been suggested:

1. By private monopoly.
2. By the state.

The power companies, not concerning themselves with flood control or the solution of the irrigation problems, propose issuance of securities aggregating \$1,000,000,000 for hydro-electric development alone. The interest on this vast amount, and the principal, if ever paid, will be met out of rates charged the people for water and power.

DEVELOPMENT BY STATE BITTERLY OPPOSED

The second plan for bringing the water resources into use is to employ the credit of the state as proposed in California's Water and Power Act, not only hydro-electric development, but for the storage of flood-waters and for irrigation. For this work state credit up to the maximum of \$500,000,000, half the amount which private monopoly proposes for the development of hydro-electric power alone, is authorized. The interest and principal on this capital investment will be met out of rates for water and power precisely the same as would be done under private monopoly. As the state would

pay at least two per cent less interest than private monopoly, the amount necessary for private monopoly to collect to pay the interest charges, would, under state development, not only suffice to pay the interest, but could retire the entire capital investment in less than twenty-six years.

The power companies are charging that this amendment is the work of a "self-constituted group." So was the Declaration of Independence, but the signers of this document carried the added opprobrium of being seditious. To be consistent in this charge the power companies were compelled to attack the principle of the initiative—and this they have done. Eustace Cullinan, leading the power company fight against this act, speaking in San Francisco, May 12, said: "The initiative is a menace to our institutions." The line is clearly drawn. California's Water and Power Act is being fought by the same interests which have fought the entire program of California progressive legislation. As to the origin of this measure, a reference to the list of those who sponsor it will disclose the names of some of the most prominent citizens of the state. This work was done in co-operation with a committee of the League of California Municipalities, in conferences which covered every business day for nearly the entire three months of the summer of last year. No other measure in the history of California has represented as much work by as many representative men and women.

WOULD TAXATION RESULT?

This bond issue of five hundred millions *must* be retired from returns from water and power development. Bonds would be sold only on projects of proven feasibility, with an assurance that each would yield returns sufficient to retire bonds in fifty years,

and carry other charges. It has been proven by Los Angeles and Ontario that the saving in interest rates, and other savings incident to public ownership, is sufficient to carry the double load of bond retirement and depreciation. Under this amendment, bonds could be sold only in accord with the demand for water and power. There could be no pledge of state credit beyond the certainty of returns.

The water and power board cannot sell a dollar's worth of bonds. The actual sale of the bonds is in the hands of a committee of five, called the finance committee, consisting of the governor, the treasurer, the controller, the chairman of the board of control and the chairman of the water and power board. The board submits to the committee a proposal for a project, stating the amount of money required. This proposal must be accompanied by full details of the project, showing that it will pay itself out, without taxation of the people.

IS THIS "SOVIETISM"?

The power companies are basing their attack on this measure on the ground that it is a "soviet" enterprise. They have deluged the state with a pamphlet called "Shall California Be Sovietized?" If Ontario and Los Angeles have been "sovietized," the power companies are doing Lenine and Trotzky a brotherly service by advertising these achievements as being of soviet inspiration. If the farmers, legislators, bankers, economists, public officials, club women, publishers, college professors, and financiers who head this movement are Russian radicals, the "reds" have gained some distinguished adherents! If it is sovietism to borrow money at 4 per cent instead of 8 per cent, and to make your business pay its way out, the power companies are welcome to

their epithet. This "soviet charge amounts to merely this: The power companies carefully picked out what they believed to be the most unpopular term obtainable with which to assault this measure.

The powers assigned the board are clearly and definitely limited to the purposes of the act, which are stated as follows: "To conserve, develop and control the waters of the state for the use and benefit of the people." In preparing the act, supreme court decisions were considered, phrasing the amendment so that the board would be definitely limited to carrying out this purpose. While the power of eminent domain is placed in the hands of the board, this means merely the assignment of a power which is used in all great public projects.

STATE BEHIND THE BONDS

The "full faith and credit of the state" is actually pledged to the bonds, and for this reason it was necessary to make taxation possible, to meet any deficit in funds for payment of interest or principal. The great reservoir of state credit is available by virtue of the fact that the taxing power of the state stands behind its bonds. The purpose of this measure is to *use* this reservoir of credit. There is no use issuing bonds unless you expect to *sell* them. A moment's consideration of the water and power assets behind these bonds is sufficient to answer the question as to whether there is any danger of this taxing power actually being used. The provision regarding the sale of additional bonds, if at any time sufficient revenues are not available, is a refunding provision, which is a commonplace of finance. Privately owned companies are continually refunding in this manner. The chief difference, in this connection, between the public and the private method, is

that the private utilities are constantly "pyramiding" their debt, as they do not pay off the principal. The rate-payers must pay perennial interest charges on investments in which they have no share. Under California's Water and Power Act the returns from rates build up an investment for the people.

A SAFE VENTURE

The proposed bond issue of \$500,000,000, for approved projects, under California's Water and Power Act is a safe and sensible procedure, for the following reasons:

1. The bonds will be issued and sold only for the amount needed for each feasible project, with an assurance that returns will retire bonds and carry all other charges.

2. Each issue is amply safeguarded (a) by provisions governing the personnel and responsibility of the board; (b) by requirements for the actual issue and sale of the bonds by the finance committee, consisting of the governor, the state treasurer, controller, chairman of the board of control and chairman of the water and power board, on the basis of a showing of assured returns, sufficient to enable the project to "pay out" without taxation; (c) by the constantly increasing demand for water and power, which makes this development "good business."

3. The volume of the assets reclaimable and of the basic wealth of California reduce to absurdity any charge that the bond issue would be a strain on the credit of the state. *Irrigation* is the primary objective of water development, and power returns should be considered as derivative wealth. Regardless of power resources, the value of water now flowing to waste, sufficient to irrigate 9,000,000 acres of land, and the augmented value of this

land under irrigation, brings the value of resources reclaimable to an astounding total of potential wealth. A conservative estimate of the value of taxable property in the state is over \$10,000,000,000.

There are obligations in outstanding state, county, municipal and district bonds of about \$322,000,000. California's Water and Power Act would raise this liability to \$822,000,000—even if the bonds were issued and sold at once; which, of course, would not be the case. This obligation would be about $8\frac{1}{2}$ per cent of the underlying value of the state. Consider together the underlying wealth of \$10,000,000,000, and the reclaimable water and power wealth of additional billions, and the "strain on state credit" becomes comparable to the strain on a man's credit when he pledges a pocket knife against a house and lot.

4. California already has accepted, tried and proven successful the principle of retiring bonds, and paying other charges, under state operation.

This is the method of the San Francisco harbor development. It has proved an unqualified success. Ontario, Canada, and Los Angeles have made splendid demonstration of the truth of the statement that water and power at cost will yield returns sufficient to retire bonds, and meet all charges of interest, depreciation, operation and maintenance.

Gifford Pinchot, who with Theodore Roosevelt launched the American conservation movement, and who has received the republican nomination for governor of Pennsylvania, gave enthusiastic indorsement to California's Water and Power Act. He came to California to speak for the measure and, addressing the state convention of the League of California Municipalities at Santa Monica, September 28, 1921, he said:

You have a law which, by the way, is a model of bill drafting. I have had a good deal to do with drafting bills for the last 25 years, and I think I have knowledge enough to say that California's Water and Power Act is a beauty.

ILLINOIS VOTES ON NEW CONSTITUTION

BY GEORGE C. SIKES

Chicago

The document framed by the Constitutional Convention, which has been in session intermittently for more than two years, will be submitted to the people as one proposition at a special election to be held December 12, 1922. :: :: :: :: :: :: :: :: ::

THE outcome of the election on the new constitution, on December 12, appears uncertain. There is much opposition to the new document among extreme radical and labor groups. The Hearst papers are hostile because the convention rejected the proposal for the initiative and referendum. Followers of Mayor Thompson of Chicago are critics of the new constitution and it is expected that the Thompson organization will be in open opposition before the campaign is over. The entire document, with its many changes, is to be submitted as one proposition, thus inviting the cumulative opposition of those who may vote no because of dislike of this or that petty feature.

Speaking generally, it may be said that the conservatives are for the new constitution, and the extreme radical and labor groups against it, though of course there are many cross currents. Leaders of extreme radical and labor groups who dislike the new constitution because of things it contains and because of things it omits, seem to be influenced little by the progressive features of the new document, such as the direct grant to Chicago of large home rule and charter-making powers and of large borrowing power for the municipal ownership of transportation facilities.

A CONSERVATIVE CONVENTION

The members of the convention, judged as individuals, were unusually

capable and high-class men, nearly all of the conservative type. Collectively, the convention might be characterized as an aggregation of independent-minded stars. It floundered badly for many months, and did not function at its best until the last few weeks before adjournment. It seems to some of us that the new constitution as finally framed is a much better document than was looked for during the middle of the session, and that it contains fewer objectionable features than anticipated. I am one of those who strongly favor the adoption of the new constitution, despite its shortcomings. A popular impression unfavorable to the convention was created during its deliberations that is likely to cause some citizens to vote against the new constitution without a careful balancing of beneficial features against objectionable ones. Prejudices and petty considerations are likely to weigh strongly with some voters.

TWO SPECTACULAR CONTROVERSIES

The two spectacular battles of the convention were those over the initiative and referendum and the plan to limit the representation of Chicago in both branches of the state legislature.

The proposal for the initiative and referendum was rejected. In addition, a section was inserted which is regarded as a flaunt to the advocates of direct legislation. It reads: "The republican form of government of this

State shall never be abandoned, modified, or impaired." It seems to many of us that this section has no practical significance and should be ignored, but it is the subject of much adverse comment. The form of government of the state is prescribed in detail in the constitution and cannot be changed anyway without amending the constitution. The section in question, if it means anything, can be modified by future amendment like any other part of the basic law. Quite clearly the provision would not operate to prevent legislation for the initiative, referendum and recall in local matters. Under the charter-making powers given Chicago that city, without legislative interference, can provide for the initiative, referendum and recall in municipal affairs if the people want these features.

The proposal for the limitation of Chicago's representation in the legislature was urged by down-state delegates, with the strong backing of the Anti-Saloon League. The delegation from Cook county, in which Chicago is located, threatened to bolt the convention if the proposal should be adopted. The matter was finally compromised on the basis of giving Cook county equal representation in the lower house in proportion to voting strength, but limiting it to one-third of the senate. Cook county has nearly one-half the population of the state. It seems to many of us that this compromise ought to be accepted, but it is the subject of criticism from both extremes—from those who insist that Chicago ought to be limited in both houses and from those who hold that any limitation, no matter how small, is wrong in principle.

CHICAGO'S HOME RULE POWERS

The most progressive feature of the new constitution is that giving Chicago large home rule and charter-making

powers. It is significant that these powers are given only to Chicago, and not to other cities in the state. It is claimed there is much sentiment in down-state cities for additional home rule and charter-making powers, but if so that sentiment was not effectively represented in the convention. It might be added that in their personal views many of the delegates from Chicago were not in favor of popular policies made possible by the action of the convention, but they responded to what was believed to be the public opinion of that community on such matters.

The grant of home rule powers to Chicago is conferred in the following words:

Except as expressly prohibited by law the city of Chicago is hereby declared to possess for all municipal purposes full and complete power of local self-government and corporate action. This grant of power shall be liberally construed and no power of local self-government or corporate action shall be denied the city by reason of not being specified herein. The city, however, may impose taxes and borrow money only as authorized by the general assembly or by this article.

The city of Chicago also is given directly by the constitution the power to frame and adopt its own charter. The city council is to provide for the calling of an elective charter convention, the work of which is subject to approval of the people on a referendum. As to structure of government, as distinguished from powers, legislative interference is prohibited. In this respect the charter is to prevail over state laws. The process of amending the charter is to be as provided therein. The general assembly is authorized to pass local or special laws relating to the municipal affairs of the city of Chicago, but such laws are not to take effect until the city consents. A law applicable to no other city

than Chicago is to be deemed local or special.

The city of Chicago, subject to regulation by general law, is given authority to "own, acquire, construct, operate, sell, pledge, lease or let public utilities or buy or sell the service thereof." With reference to utilities generally, this provision is not of large practical value because of lack of financial power. For transportation and water, however, the new constitution gives to the city of Chicago authority to issue such amounts of regular city bonds as may be needed, subject to approval on a referendum. This provision will enable the city to acquire and improve the local transportation system. When the city makes use of this grant of borrowing power in excess of the ordinary limitation on municipal indebtedness it must maintain rates of fare high enough to make the system self-supporting. A municipally-owned transportation must pay taxes like private property.

COUNTY GOVERNMENT

Illinois, like many other states, is sorely in need of reform of county government. Unwise restrictions in the present constitution make reorganization on sensible lines impossible. Practically all these unwise restrictions are continued in form in the new document. However, Section 166 gives the legislature authority, in disregard of these restrictions, to provide for thoroughgoing reform of county government, subject to the provision that the plan shall not go into effect in any county until approved by a referendum vote. Section 166 reads as follows: "The organization and government of and offices in counties as provided in this constitution may be changed by law uniform as to classes of counties; but any such law shall become effective in a county only after approval by a

majority of those voting on the question."

COURT REORGANIZATION

Provision is made for court unification in Cook county. The circuit, superior, criminal, probate and county courts, the municipal court of Chicago, and the city court of Chicago Heights are to be merged into one court, with two divisions, civil and criminal. Advocates of court reform claim that this change is one of great value.

The judges of the circuit are to remain elective. Judges of the appellate courts, now designated as such by the supreme court from elective judges, are to be appointed outright by the supreme court.

The supreme court now consists of seven judges, one from a district. The seventh district, comprising Cook and four other counties, has over half the population of the state, with only one judge. Under the new constitution the supreme court is to consist of nine members, of whom three are to be elected from the seventh district.

The supreme court is given large rule-making powers for all courts, subject to the limitation that any rule may be set aside by act of the legislature. The supreme court is also empowered to designate the chief justice of each of the two divisions of the new unified court for Cook county. These provisions are praised in some quarters and criticised in others.

REVENUE

Dissatisfaction with the revenue article of the present constitution was one of the important reasons for calling a constitutional convention. However, the new revenue article is considered disappointing by many. In view of the differences of opinion among both the people and the delegates over revenue matters, and in

view of the disposition of the convention to adhere to the policy of the old constitution of dealing with such matters in considerable detail in the basic law, the difficulty of agreeing upon a new revenue article is easily understood. At least the new revenue article appears to be considerably better than the old one.

The requirement is continued for the general property tax, with uniform rate, with the exception that as a substitute for the tax on intangible personality provision may be made for an income tax. In addition, provision is made for a general income tax, with low exemptions. If the general income tax is graded and progressive the highest rate must not be more than three times the lowest.

In counties other than Cook, there must be a county assessor "selected as provided by law," to succeed the present township assessors. Cook county already has assessment by county assessors.

THE SHORT BALLOT

The majority of the membership of the constitutional convention was unfriendly to the short ballot policy and voted down proposals to reduce the number of state elective officials. However, as a result of the convention's work, if adopted, the ballot will be shortened somewhat. The clerk of the supreme court, and clerks of appellate courts, now elective, will be appointive by the respective courts. Court unification in Cook county will operate ultimately to reduce the number of elective court clerks in that community from five to one. Making appellate court judges appointive will reduce somewhat the number of elective judges. The legislature also is authorized to make the position of county superintendent of schools appointive instead of elective. Under

Section 166, intended to authorize reorganization and reform of county government, supposedly it will be possible to reduce very greatly the number of elective county officers.

MINORITY REPRESENTATION ABOLISHED

The so-called plan of minority representation in the lower house of the legislature—long the subject of public complaint—is abolished. Instead of choosing three representatives from a district, under the plan of cumulative voting, representatives are to be elected from single member districts. To insure redistricting of the state, it is provided that in case the legislature fails to act, the new districts shall be made by three elective state officials. Although the present constitution directs a re-apportionment every ten years, the state has not been re-apportioned for over twenty years, with the result that there are now great inequalities of population.

THE AMENDING PROCESS

There is disappointment because the amending process is not made very much easier of use. But here again, the provisions of the new constitution, though disappointing to many, are a marked improvement over those of the old constitution. Under the old constitution but one article may be amended at a time; under the new, the legislature at the same session may submit amendments to two articles. Under the old constitution an amendment in order to carry must receive a majority of all the votes cast at the election at which submitted. This means that an elector voting for any official and not voting on the amendment is counted against it. Under the new draft an amendment will be adopted if voted for by electors equal in number to a majority of the votes cast for members of the house of rep-

representatives. This means a substantial gain in ease of adoption of constitutional amendments on referendum. The old constitution provides that amendments may not be offered to the same *article* oftener than once in four years. The provision of the new draft is that amendments may not be offered to the same *section* oftener than once in four years. This is an important gain.

VARIOUS PROVISIONS

Some of the other changes made by the proposed new constitution are:

1. *Zoning and Excess Condemnation.* There are desirable provisions of importance about zoning and excess condemnation.

2. *Special Assessments.* The legislature is authorized to permit cities, villages, incorporated towns and park districts to *join* in making local improvements by special assessment.

3. *Legislative Procedure.* There are provisions designed to bring about improvement in detailed legislative procedure.

4. *Juries.* The general assembly is authorized to provide that women may be eligible to serve as jurors. It also may provide for juries of less than twelve in all civil cases. The right of trial by jury may be waived, except in capital cases.

5. *The Indictment Process.* There are changes in the indictment provisions of the bill of rights. Except in capital cases prosecution on information is to be permitted, at the instance of either the attorney general or state's attorney. No such information is to be filed by the state's attorney except by leave of court after a showing of probable cause.

6. *Bail.* The provision as to bail has been so changed that an accused person is not entitled to bail as a matter of right. Under the present con-

stitution an accused person is entitled to bail, except in capital cases where the proof is evident or the presumption great.

7. *Local Control of Streets.* The provision of the present constitution forbidding the legislature to grant street railway franchises without local consent is broadened so as to forbid the grant by the legislature of the right to occupy streets or public grounds for any purpose without local consent.

8. *County Audits.* A uniform system of accounts for all constitutional county officers shall be prescribed and supervised by the state auditor, and their accounts shall be audited by him.

9. *Referendum.* The new constitution requires a referendum on all bond issues of the city of Chicago, except for refunding purposes. This is now statutory policy.

10. *Pension Funds.* There is a provision authorizing the general assembly to give a vested interest in the accumulated portion of any pension fund to which an officer or employee is required to contribute.

11. *Consolidation of Local Governments.* There are provisions designed to pave the way for consolidation of local governments in Chicago. It is doubtful if the provision for the merger of city and county is workable. There is doubt, too, as to the value of the features relating to the consolidation of the Sanitary District and Forest Preserve District with the city. Clear authority is given for the complete elimination within the city of Chicago of town governments that still have formal existence.

12. *Bible in the Schools.* There is a provision that reading without comment selections from the Bible shall not be held to be in conflict with the constitution.

13. *No Color or Racial Discrimination.* It is stipulated that laws shall

be applicable to all citizens without regard to race or color.

14. *Farm Loans.* The legislature is authorized to provide for lending money on farm lands in the state. Any act providing therefor must be approved on a referendum vote.

15. *Forestry.* The legislature is directed to pass laws to encourage forestry, and to that end it is authorized to classify for purposes of taxation, or to exempt from taxation, areas devoted to forests or forest culture.

16. *Waterways.* The legislature, without further referendum vote on that specific matter, is authorized to appropriate \$10,000,000 for waterway construction, in addition to the \$20,000,000 bond issue for that purpose approved on a referendum vote in 1908. On account of advanced prices, it is said the waterway cannot be completed for the original estimate of \$20,000,000.

17. *Election Matters.* With respect to counties other than Cook provision is made by the constitution limiting elections to one a year—all to be held in November. As first offered this proposal was general in scope, but Cook county was eliminated from its operation because of the objections from Chicago. These objections were not based on Chicago's desire for more elections but to incidental undesirable features of the plan.

OBJECTIONS TO THE NEW CONSTITUTION

Among the reasons urged for voting against the new constitution may be mentioned the following:

1. Dislike in some quarters of the personnel and the generally conservative attitude of the convention that framed the new constitution.

2. Failure to provide for the initiative and referendum.

3. Objection to Section 21, reading as follows: "The republican form of

government of this state shall never be abandoned, modified or impaired."

4. The revenue article is not satisfactory.

5. The amending clause is not satisfactory.

6. Dissatisfaction with the compromise provision about limitation of representation in the legislature both by those who object on principle to any limitation whatever, no matter how small, and by those who want Cook county limited in both branches of the legislature.

7. The supreme court is given too much power.

8. Objection is made to the change in the provision about bail in criminal cases.

9. Objection to the provision giving the attorney general of the state authority to institute prosecution on information in criminal cases, except capital cases, without leave of court.

10. Dissatisfaction with the addition of the words to "protect life and property" to the purposes for which the militia may be called out by the governor.

11. Dislike in some quarters of the provision that reading of the Bible in the public schools without comment shall not be held unconstitutional.

12. Fear of abuse of the power given the legislature to encourage forestry by classifying for purposes of taxation, or exempting from taxation, areas devoted to forests or forest culture.

13. Objection to the abolition of minority representation.

14. Objection to the feature of the plan of court unification for Cook county which will lead ultimately to the reduction of five elective court clerks to one.

While I sympathize with some of these objections none of them outweigh the desirable features.

“THE BUDGET AND ACCOUNTING LAW, 1921”

SIGNIFICANCE OF THIS MEASURE AS A DEVICE TO INSURE COMPETENCE AND FIDELITY IN THE MANAGEMENT OF A GREAT PUBLIC TRUST

OUR STANDARD FOR JUDGMENT OF INSTITUTIONAL WORTH

At the outset the writer confesses to a charge frequently made that he is “an idealist”—makes this confession as a way of getting before the reader the first premise of his reasoning, viz.: that only an idealist can be “practical” about anything; that anyone who is practically useful as guide, whether of his own action, or as leader or critic of others, must have a very vivid conception both of end most to be desired and of means to the achievement of that end. With this side note, let us consider the standards set up by the designers and builders of that great institution, “The government of the United States of America,” an essential modification of which is now before us. Can there be any difference of opinion as to what their ideal was? So far as related to the matter in hand, was not the measuring stick by which they judged the fitness of things that fundamental tenet of political faith which ran through all the thought of their time, and which is just as sacred to us to-day? Was it not this, that all governmental institutions are only devices for realizing the ends and purposes of a self-determining political society; that government is a mechanism made up of human parts to be employed in working out the group will; that constitutional government is an incorporated trusteeship, and that all persons employed in it are persons

called upon to give up selfish pursuit and dedicate themselves to serving the people as beneficiaries? Was it not this note in the call of Lincoln, when individual and sectional creed threatened the foundations of good will on which the institutional superstructure was built—was it not this note which made his Gettysburg address immortal?

SEPARATION OF POWERS MEANT AUDIT AND CONTROL

With this fundamental conception in the minds of those great idealists (practical men) chosen by the American people to act as their attorneys in drafting the charter of their national service agency (their deed of trust)—when they got together in Philadelphia in 1787—they busied themselves, not in controversy over the fundamental purpose, but with the consideration of the practical means of achieving it. Their thought at once turned to the arrangement of the human parts of the new corporate body they were about to create; and their one care was to make sure that the entrusted powers and estate would be faithfully and efficiently administered. Having agreed on a principle of corporate organization which had been tried and not found wanting, the convention took on the character of a group of lawyers and business men engaged on drawing up and critically discussing the articles of the deed of trust through which this principle

was to be made operative. In the lingo of political discussion, this principle has come to be known as "the separation of powers."

Simply stated, it is this: That fidelity and competence in the administration of a trust can be assured only when provision is made for *audit and control* as well as for execution. And since audit and control has been found to be a matter of practical necessity, this function must not be confused with administration—the thing to be controlled.

The minds of those who are called upon to review critically the acts and proposals of executors must be kept clear, so that when sitting in critical judgment they may have an eye single to the interests of the beneficiaries.

We may differ, as others have, in our interpretations of the aims and purposes of members of the constitutional convention so far as these may relate to specific devices for making this controlling principle effective, but there is no divergence of opinion on this point. We may question the capacity of the makers of our constitution as architects, we may say that they had little experience in democratic institution building. But fourteen years of experience with governing devices in which responsibility for *administration* had been confused with responsibility for *audit and control* gave to them a very practical basis for negative judgment. The town meeting and Montesquieu's treatise on the English Constitution, together with their inherited traditions and historic knowledge of the struggle for the right of the representatives of the people to audit and control the administration gave them their positive basis for reaching this conclusion. The result was that when the draft was completed the principle

of separation of powers in these lines found expression in Articles I and II. In Article I an organ or agency independent of the authority of the executive is set up with fullest powers of audit and control. In Article II is set up a single-headed agency for exercising "the executive power." And over and above both of these is set up another organ or agency of audit and control—the electorate. Provision was also made, based on experience, for changing both the personnel of administrative leadership, and the personnel of the controlling body, in case anyone in either or both these branches might prove unwise, incompetent, or unfaithful to his trust. This was done by making the electorate (i.e., the great democratic body of voters) an agency of final review and determination. These are vital things written into our fundamental deed of trust to insure competence and fidelity: A chief executor; a board of audit and control; an electorate—each having a sacred duty to perform, each made independent with a view to maintaining the confidence and good will of the people.

THE MACHINERY FOR AUDIT AND CONTROL

In the draft of the constitution (our deed of trust) nothing was said about the kind of organization which must be set up for *administration* except in two clauses: (1) That clause which vests "the executive powers" in the president; and (2) that clause which empowers the president to require "the principle officers of each of the executive departments" to report to him "upon any subject relating to the duties of their respective offices."

With respect to organization and procedure for exercising the function of audit and control, however, the

deed of trust was more explicit. To insure that the body instituted to perform these functions might be *representative*, and that action might be *deliberate* with opportunity for *review*, *criticism*, and *discussion*, congress was required to meet in two separate chambers—one composed of representatives of constituencies organized as “states,” the other composed of representatives of smaller districts. These houses were to meet and organize as vicarious town meetings; before the membership, from time to time, the president must come (and Washington the head of the convention, evidently understood the constitution to mean that the heads of departments were also expected to appear before them to give an account of stewardship); each house was given fullest inquisitorial powers; all administrative measures, plans, or proposals must first be approved before the administration would have authority to execute them and this approval must take the form of a majority vote in both houses; finally as an effective means of preventing an unauthorized or unapproved use of power on the part of an executor of the trust, this bicameral board of censor and policy determiners was given “control over the purse.”

PROVISION FOR PUBLICITY

Great care was also taken to insure that the “electorate” (the body of voters created by the constitution as the final arbiter of disputes and the chooser of “representatives”) be kept informed. Accounts of stewardship must be published; all regular meetings of both branches of the board of control must be kept open to the public; each house must keep a journal of proceedings open to public inspection; the beneficiary was to have full opportunity to keep informed—as well as was his most immediate contact

in the incorporated trusteeship, the voter. Not only was provision made for individual public inspection and report, but also for the fullest dissemination of facts and fullest discussion of acts and proposals both of administrators and of members of the auditing and controlling branch; this result was assured by specifically restraining everyone to whom powers were given from interfering with the right of free speech, free press, and peaceable assembly; then finally it was written down that members of congress must periodically return to the people, by expiration of a fixed term, in order that the acts and proposals of the executor of the trust estate, and their own acts as auditors and primary controllers, might be reviewed. And if as a result of either representative or public inspection it appeared that an officer was abusing his trust, he could be summarily mandamusd, enjoined, or removed,—the first two remedies being put into the hands of the courts, the third into the hands of the board of the representative body acting as a board of control. Thus was the principle of popular sovereignty to be protected and the “vote” made effective on every occasion when the final arbiters (the electorate) might have brought before them the question as to whom they would choose to represent them at the next vicarious town meeting, and questions of policy taken to the electorate on appeal.

RESULTS WHICH HAVE SUGGESTED NEED FOR CHANGE

No other conclusion can be reached than this; that the record of the last one hundred years cannot be reconciled with the fundamental conception that “a public office is a public trust.” It is a record of subversion; of spoliation of public enterprises, public lands, the public purse. Turning from this

record of organized exploitation to the institutional means developed and employed by persons who, because they were trusted in positions of leadership or other service, were able to use their powers for enrichment or other benefits to themselves and their associates, and considering the manner in which the system has been worked out and the reasons given in support or defense, we are reminded of the adage "the devil can quote scripture for his own purposes." At every turn the principle of "separation of powers" has been pleaded as a cogent reason for measures aimed at its violation.

AN IRRESPONSIBLE EXECUTIVE

Whatever opinion may be held on the subject of the relations of *executive* to the auditing and controlling body (*congress*), there is no difference of opinion about the original intention to centralize executive responsibility in the president. Yet what has been the result of the exercise of powers given by the constitution "to make all laws which may be necessary and proper for carrying into execution the . . . powers vested by this Constitution." The following description of the administrative machinery actually developed, under the pretext of "separation of power," is taken from the writings of Dr. Walter F. Dodd, one of our best authorities in matters of this kind:

In the federal administrative organization at the present time [1921] powers are in the main not vested in the department; and in the performance of their statutory functions a large number of federal bureaus within the ten departments are substantially as independent of the head of the department as they would be of an outsider.

A BUREAUCRATIC ADMINISTRATION

This is quite a different order of things than we find described in our

school text-books and by campaign orators who give us to understand that the simple arrangement for locating responsibility in the executive laid down in the constitution obtains. That this organization has been imposed by congress we cannot question. Dr. Dodd goes on to say:

Under the federal system there has been a theoretical subordination of bureaus to the president, but this subordination is largely theoretical because of the steady growth of independent functions vested by statute in the various bureaus, such functions being exercised to a large extent independently of the head of the department.

Now how is this related to the question of executive trusteeship and accountability? Commenting on this Dr. Dodd tells us:

In connection with the recent budget proposals, the most serious defect in the federal administrative organization from the standpoint of real responsibility has been exalted into a virtue; and it has been urged that one of the merits of the new budget system established by act of June 10, 1921, is that the budget director is to exercise his powers by virtue of statute or of executive regulations independently of the department in which he is nominally placed. So long as the federal administrative system has a theoretical organization of ten departments, but practically an organization into independent units within departments, there can be no effective responsibility of this administrative organization to the President.

What has happened to the very simple device for audit and control (patterned after the town meeting but adopting the representative system in order that the town meeting idea might be made practical for a national voting electorate)—what has been done by congress in the exercise of its powers to make rules or laws which may be necessary and proper for carrying into execution the powers granted to that corporation which now employs more than a million servants and which administers an entrusted estate that

touches the everyday lives of one hundred million people—what has been done by congress to insure fidelity and efficiency in the expenditure of over three billion dollars each year? For description and characterization we may again turn to the writings of persons who speak with highest authority. And no other conclusion can be drawn from these than that indicated above: Every intention of those great men who wrote the constitution has been defeated. Not only has the line of executive authority and responsibility in administration of the trust been tampered with, broken and destroyed, but also responsibility for audit and control has been disseminated and processes of inquiry, review, and discussion have become secret and collusive,—real effective leaderships being directed to controlling the electorate instead of being controlled by it; laws have been passed and organizations effected whose sole aim has been to subvert the electoral function to the selfish uses and purposes of those who were looked to for leadership and away from the uses and purposes of the legally constituted beneficiaries. Thus we become aware that the institutional design has been systematically aborted for a hundred years. Thus we are led to inquire into the character of the alterations made prior to the budget enactment, having in mind this institutional purpose.

"THE LITTLE LEGISLATURES"

Fifty years ago Senator Hale, an outstanding man of his day who served so long in congress that he was accorded the title "Dean of the Senate," told the American people in his autobiography that congress had long since lost its character as a vicarious town meeting; that instead of conducting its deliberations and reaching its decisions

in open forum as contemplated by the founders of the government, it had split the membership of each house up into a lot of "little legislatures" in which the real business of this branch carried on its business behind closed doors—so that even the members, to say nothing of the public, could not know what was going on. Characterizing the result he went on to say:

Hundreds of measures of vital importance receive—near the close of the session, without being debated, printed or understood—the constitutional assent of representatives of the American people.

A few years later Woodrow Wilson thus characterized the situation as it has remained to the present day.

For a long time, this country of ours has been lacking one of the institutions which freemen have always and everywhere held fundamental. For a long time there has been no sufficient opportunity for counsel among the people; no place or method of talk, of exchange of opinion, of party. . . . Congress has become an institution which does its work in the privacy of the committee room and not on the floor of the chamber.

"GAG-RULE" AND "THE BOSS"

The relation of the breaking down of the line of executive authority and responsibility to the breaking up of the vicarious town meeting into a lot of "little legislatures" can be understood only when it is known that the bureaus by operation of statutes have been linked up closer and closer to the secret processes of the standing committees (these "little legislatures"), which in turn are headed by persons who owe their positions of leadership and control to secret irresponsible organizations outside of congress, whose stock in trade is the patronage and the "honest-graft" obtained by appropriations rubber-stamped by congress, which has applied "gag-rules"

to put through the scheduled projects planned in these "little legislatures" in conference with bureau heads and their subordinates. And this helps to an understanding of the significance of the statement made by Dr. Dodd, above quoted, that the department heads and the president are rendered practically helpless—rendered helpless by the statutes passed by congress on motion of the heads of the "little legislatures." And along with this has grown up that protective process called "red-tape"—corresponding to the folk-ways of primitive people, developed to protect the bureaucrat in a régime in which those who are charged with responsibility to the electorate seek to avoid it by "passing-the-buck," a phrase so well known in Washington that it needs no apology.

CHANGES UNDER THE NEW BUDGET LAW

So far we have been dealing with preliminaries—setting up our standard, measuring the structure as it stood before the new law was passed, considering its adaptability to the purpose for which it was designed. Now we come to description of changes made under authority of the "Budget and Accounting Act, 1921," and the accompanying "Resolutions" to change the rules of each of the two houses of congress.

CONGRESS INNOCENT OF DESIRE FOR RADICAL CHANGE

The statute referred to provides for setting up a budget bureau, nominally in the department of the treasury, but responsible to the president; and for a new "Office of Controller General of the United States," independent of all other branches, departments, and authorities—as independent as the supreme court—the

head of which with his "assistant" is appointed by the president "with the advice and consent of the senate." When it comes to analyzing the motives of congress at the time the budget and accounting measure was put through, it can only be said that it was evident that few members had an idea of what it all meant; few, if any, thought that it could do more than possibly to make the housekeeping a little more orderly and lessen for the time being the complaints of a disgruntled constituency. Not a note was sounded among them to indicate that an effective gearing in of this new mechanism of control would require a realignment of all the machinery and power transmission in the political plant.

Yet this is an idea that has now begun to percolate: The establishment of responsible executive leadership in matters of administration and finance necessarily means that the old scheme of irresponsible leadership, the very vitals of the old régime, must be "knocked into a cocked hat"; redefinition of administrative authority on lines consistent with responsible leadership means death to bureaucracy, the needed instrument and product of the old régime; the introduction of a central agency for prescribing administrative procedures and uniform accounting and reporting means the breaking down of the little monopolies—the walls behind which collusion in subversion of the trust has thrived; publicity through open-forum methods of review, criticism, and discussion, means an informed electorate and increasing difficulties to those who organize to subvert and control the machinery of nominations and elections.

THE NEW OFFICE OF COMPTROLLER

Nor was there any cause for alarm to the old régime when it came to

setting up the office of comptroller of the United States—although its independent auditing and controlling powers were great. Up to the very last throughout the five months of the Constitutional Convention, the *Custodial* junction, as distinguished from the *Administrative* was kept separate and apart. The Treasury was to be made independent. Finally the Treasury and the executive were merged. Now an office of Controller was set up to check the Custodial function under the executive. And it went farther. It was to enforce that Constitutional provision requiring that “a regular statement and account of the receipts and expenditures of all public money shall be published from time to time;” and to insure that these statements and accounts should be true. By law this office was made an independent branch of the government, and to it was given powers different from but equal in importance to the executive and the judiciary. As an auditing organization, it was charged with the duty of critical review of and report on every transaction conducted by an administrative office or agency; in arbitral functions it was given the powers of a supreme court to adjudicate any and every controversy arising out of contractual relations with the government. But this great, new, independent controlling device was geared in without a jolt or squeak in any part of the going machine—without noticeable change in the established order outside of the six treasury bureaus involved. This was done by appointing as the head of this great office a man of political wisdom—his experience for the discharge of the functions having been gained through service as clerk to a well-known western senator, and later as the office-head of the Republican party machine at Washington. This fact is noted not with the thought

of detracting from any estimate of integrity, foresight or ability of Mr. McCarl or what he may achieve during the fifteen years of his legally established tenure, but as suggesting a reason why the country heard no noise and felt no tremor when a new, great, independent branch—co-ordinate with the three branches set up by the constitution and having in its employ thousands of employees—was put into operation.

GENERAL DAWES, BUSINESS MANAGER

The first jolt in the machinery, the first great noise, came with General Dawes, who was appointed by the president, director of the budget. This was shortly after the law was passed (June, 1921). To make a budget an effective instrument of executive accountability (“at once an account of stewardship and program of service to be financed”), in the circumstances described, required a man of energy; to use the powers given to him by statute in a manner to enable the president to become a responsible executive without making a consummate ass of himself every hour of the day required organizing ability; to cope with an existing “system,” in which every personal relation and tradition was opposed to centralized executive leadership, required a man of courage; and beside all this he must be a man who commanded the confidence and had the support of the president. General Dawes was all these kinds of man and several others.

CHANGES IN THE EXECUTIVE BRANCH

The first week after his entry (let us say re-entry) into the arena of political life something remarkable happened. All the heads of departments, divisions, bureaus, and subdivisions of bureaus in Washington

were called together under the authority of the president and (with his blessing given at the meeting,) were organized as "The Business Organization of the United States." This organization, they were given to understand (cabinet offices and all), was by the president placed under the direction and control of the director of the budget as chief of staff—his purpose being thereby to establish central executive control. The president told them that his ideal was a well-organized business concern with a chief executive at the head of the "line," who (in order to become effective) had collected around him an able "staff." The part assigned to members of cabinet and heads of bureaus was to serve as the line of authority in everything except staff matters. In these they served only as clearing offices. The next move was to set up *liaison* groups, called "co-ordinators"—made up of specialists chosen from each of the bureaus handling kindred subjects. All this was outside of the purview of the framers of the act, but without which very little could have happened except to carry on the routine functions of the three "divisions" established in the law, viz.: the divisions of estimates, investigations and law. These divisions were manned, feebly be it said, but sufficiently for the work then to be done, for the division "of estimates" could do little more than make up the first budget with scissors and paste, the best that could be done in the circumstances—and the divisions of investigations and law were expected to do little within the year General Dawes agreed to act. The real work of these statutory divisions was left to be developed very largely by his successor, General Lord—a man of exceptional qualifications.

BREEDING THE WALLS OF THE OLD SYSTEM

The real job to be done by General Dawes during the year was to prepare the way—by smashing in the entrenchments of bureaucracy. And to this end President Harding lent his authority—following the central staff organization described above with an order from which this language is taken: . . . "His (General Dawes) calls upon the chiefs of bureaus and other administrative officers for purposes of consultation and information take precedence over the cabinet head." And most significant of all was the order which put the breath of life into the *liaison* organization, viz.: "The decision of the chief co-ordinator in all matters of co-ordination shall be final." The only right or standing which a cabinet head had was that he might appeal to the director of the budget within four days, and then, if he was not satisfied, he might appeal to the president, being given only six days more, however. At the end of ten days all rights lapsed.

CHANGES IN CONGRESSIONAL PROCEDURE

Another jolt was given to the old régime in the house. Here when the new centralized appropriation committee was organized, these things happened: (1) The "rule of seniority" was set aside; (2) an agreement was entered into that the amount of the president's budget request for a support of a bureau or service would be the *maximum* which might be written into the appropriation bill prepared by the committee, and recommended for favorable consideration; (3) they agreed not to hear any head of a bureau on a question of policy which had been under consideration and passed on by the executive head, his chief of

staff; (4) that "riders" on appropriation bills would not be permitted. These decisions if adhered to must breach the four walls of the "little legislatures." And in the main they were adhered to in the last session—the chief departure being the result of enormous pressure to recommend several millions more for "Rivers and Harbors" than the president asked for. In two of these respects the senate committee finally fell into line. But they saw to it that the "rule of seniority" was not impaired; and they did not propose to surrender their trading advantage with the executive—they holding "control over the purse," he having the right to "veto" and appoint with their "advice and consent."

A FIRST STEP TAKEN—WHAT NEXT?

This has been the start made during the first year. And as a start it is the most significant happening in our institutional development since the Civil War. Its significance, however, depends on the persistence of that public demand which made even the start possible—a public demand which will get behind leadership in the reconstructive process, and insist that such notifications be made in organic arrangements as will insure both responsible leadership, and to this end visibility. All those arrangements and processes developed since the constitution—adopted to intercept and destroy responsibility, and to insure secrecy in the interest of individual or group selfishness—must be torn out. This must be done before the constitutional organs for insuring accountability and publicity, as set up by our constitution, may function.

VOTERS STILL IN THE DARK

When looked on thus broadly, even the complete fulfillment of all

that was contemplated in the new Budget and Accounting Law could not possibly be more than a start; for it deals with only one phase of the problem. It is a design for making executive leadership effective and accountable for technical compliance with the law. But the real problem has not been touched—the problem of devising ways and means whereby each voter and each member of the congress may act intelligently as a juror; for we get the best vision of our constitutional plan when we think of both "the congress" and "the electorate" as juries (the first organized as an initial trial court, the second as a high court of final appeal and review of the record), and like the common law jury system it was instituted as a means of keeping strong the foundations on which all our institutions rest, the confidence of the people—their good will. This is the end, the real objective. Without this end fairly within our reach, what has been done must be appraised as worthless. And be it observed that with the new budget and accounting law in full operation the government is still carried on just as secretly as before; both members of the congress and voters are just as innocent of what is going on behind the scenes; secrecy and collusion is still undermining the good opinion in which our institutions are held; our public servants are just as much distrusted as before the law was passed.

PROPOSAL TO KEEP CONGRESS AND VOTER INFORMED

Democracy insists that its leaders shall be made responsible; and to this end it insists on being kept informed. The budget method has proved the only way of doing this; because it is adapted to the uses and purposes of a representative government—to carrying control over leadership down

to the people. As bearing on this principle something has been happening, also not contemplated, which is reassuring—something which holds out a promise that the processes of control will finally reach the voter. While the need for a budget and accounting control has been under discussion, a very definite body of opinion was being formed which has insisted that congress shall so organize that in this constitutional forum what has been done and what is being proposed by the administration may be dramatized. This takes concrete form in proposals to "put the cabinet on the floor of congress"—to bring the chief executives of the trust before this representative jury in this court of inquest.

EVIDENCE OF PRACTICABILITY TESTIMONY OF EXPERTS

This conclusion had long since been reached (in 1881) by a select committee of congress in a report bearing on what was then regarded as an irresponsible use of executive power—the remedy proposed by them to put the cabinet on the floor. First be it said that the report was signed by four Republicans and four Democrats, which deprives it of any partisan significance; that the four Republicans and four Democrats were outstanding men, namely: Mr. Allison of Iowa and Mr. Blaine of Maine, Mr. Ingalls of Kansas, Mr. Platt of Connecticut, Mr. Voorhees of Indiana, Mr. Pendleton of Ohio, Mr. Butler of South Carolina,

and Mr. Farley of California. On the constitutional aspect of the proposition this committee of eminent lawyers came to the conclusion unanimously that it was not only in harmony with it but much thought of as within the intent of its methods. On the question of expediency they were also quite as positive.

Their report was not favorably received at the time by the heads of the "little legislatures," the leaders in congress. They saw, as did the congressional leaders in earlier days, a very grave danger that just as soon as a responsible leader was permitted to enter the front door, irresponsible leadership must go out the back way.

SOME STRAWS WHICH SHOW THE DIRECTION OF THE WIND

Now after the further lapse of time, three other things have happened which are significant: (1) In 1921 three bills were introduced to put the cabinet on the floor; (2) the National Economical Council sent out a referendum to its membership, and the returns show that 96 per cent were in favor of responsible executive leadership, 92 per cent being in favor of putting the cabinet on the floor; (3) The National Budget Committee, a propagandist organization, made up largely of men of affairs, after the budget and accounting act was passed, turned its forces to a campaign of popular education to demand that the cabinet be put on the floor.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Items Reported by American Civic Association. *No Civic Center for Toledo.*—The city council of Toledo on September last repealed its action taken several weeks earlier to submit the civic center project to the voters on November 7. This action meant that the project, which was defeated at the August primary and which had been authorized to be placed on the November ballot, did not in fact appear on the ballot.

This is an economy year, but it is possible for a city to "save beyond its means."

Altoona Surveys Housing Needs.—The Altoona, Pennsylvania, Chamber of Commerce has appointed a housing committee which is making a survey to determine Altoona's housing needs. This committee is also considering the matter of financing both the builder and the ultimate purchaser.

Five and six per cent money with no commissioner or bonus will help. Elimination of waste, systematic supervision in construction and consecutive labor will help. Intelligent planning of houses, good material and careful craftsmanship will help. It is also to be hoped that Altoona will not follow the example of many cities which have overbuilt in expensive houses and apartments and neglected the low-cost house.

Milwaukee to Re-Number Houses.—The citizens of Milwaukee have decided that they have an antiquated and confusing system for numbering their houses. The common council has under consideration a new plan which would establish base-line streets and the principle of 100 house numbers to the block. The plan has been supported by sixteen civic societies and opposed by one. The stranger within the gates will appreciate a system of house numbering which makes it easy to locate addresses.

Those Who Don't Go to the Movies.—A university president and a member of the women's municipal league of New York agree that the educational value of the motion-picture is greatly exaggerated for the very good reason

that there are, apparently, many people who seldom patronize the motion-pictures but who use their eyes to read the really inspiring and educational articles which appear in the best of our periodicals. No one knows yet whether these individuals are the last of the conservatives or the front ranks of a new army of progressives.

Smoke Control.—The director of public safety in Cleveland has promised the Women's City Club that the smoke commissioner who is to be appointed will be fitted to do constructive work by reason of his technical training and that he will be instructed to co-operate with the smoke committee of the Women's City Club. Smoke committees are finding much discouragement in the increased use of soft coal occasioned by the shortage of coal this year; but they are all the more needed for that.

Weekly Highway Maps.—The City Club of Milwaukee posts on its blackboard highway maps issued weekly by the State Highway Commission to show the current status of all roads in Wisconsin, a service which is no doubt much appreciated by the motorists of the state.

To Eliminate Grade Crossings.—The city planning commission of Toledo reports 143 grade crossings and 32 grade separations. Construction is now under way to change one important intersection and the council has before it an ambitious five-year program to eliminate all of the important grade crossings.

New City Planning Bulletin.—On October 1 appeared No. 1 of Vol. 1 of *City-Facts*, published by the Buffalo City Planning Association, Inc. The panel on the back presents the future program under ten headings, which are to be elaborated later. *City-Facts* is quite as persuasive as its predecessors, the series of bulletins by which the Buffalo City Planning Association sold the city plan and the civic center idea to the people of Buffalo.

Shall Manufacturers Invade Washington?—There is a noisy agitation to persuade manufac-

lurers to come down on the banks of the Potomac and erect smokestacks enough to raise a smoke screen between Washington and the shores of Virginia. Since, however, the boundaries of the District of Columbia extend to the high-water mark of the Potomac on the Virginia side, it is to be hoped that such an invasion will not be permitted. Which reminds us to inquire, will the time come when the recession to Virginia of that part of the District of Columbia which congress thought unnecessary ever be declared unconstitutional? If so, will that bring Alexandria and the surrounding territory again into the District of Columbia? In these days of regional planning it has come to be pretty generally recognized that the L'Enfant plan as amplified by the McMillan committee cannot be protected unless the environs of Washington are controlled. Even the original District of Columbia was only ten miles square. With 3,026,778 square miles in which to develop industry in the United States it does seem as though the utilitarians might allow Washington to continue to be what its founders had in mind—the Federal City, and the Federal City only.

HARLEAN JAMES,
Secretary American Civic Association.



Vicissitudes of Lincoln's Municipal Coal Yard.—The essence of the municipal home rule amendment of the Nebraska constitution, adopted in 1913, follows: Any city having a population of more than 5,000 inhabitants may frame a charter for its own government consistent with and subject to the constitution and laws of this state.

In 1917, Lincoln, now a city of approximately 60,000 population, framed a home rule charter. In 1921 the council passed an ordinance providing for a municipal coal yard to purchase and sell coal and wood as other retail dealers, with some limitations. There were at that time twenty-one private dealers in fuel in the city. During the last winter the city sold over 8,000 tons of coal. Advocates of the city yard claim that its operations caused a material reduction in the price of coal over that of the preceding winter.

Last summer the coal dealers attempted to induce the district court to enjoin the continuance of the municipal yard, but the court sustained a general demurrer to their petition and the case was appealed to the supreme court.

The argument of the dealers was that the legislature had not empowered the city or its authorities to sell fuel, that the home rule clause confined the character of the charter to provisions relating to the government of the city as a public corporation, that unless the charter power should be thus confined to the language of the constitution the "door would be open to the ambitious politician, the theorist, the socialist, the bolshevist, or any political boss with a following, to exploit the interests of the city by engrafting his selfish schemes on the charter of the municipality," that there was not in this case, as in the Portland case, any emergency claim nor any decision by legislative authority that dealing in coal is a public utility, and that the home rule charter is a grant of power and not a limitation of power.

The city attorney's brief conceded that the city is subject to legislative restrictions on the extent of authority and the manner of its exercise, if these are expressed in general state law, but contended that the people of the city had stepped into the place of the legislature in reference to the grant of municipal powers, and that the people of the city had followed the plan of the people of the state with respect to the constitutional powers of the state legislature, in granting the council of the city all legislative authority possessed by the city as such, and that in Nebraska the rule that the home rule clause is self-executing has been accepted without conflict.

The court, apparently conceding without consideration the public nature of a municipal coal yard, held (189 Northwestern 643) that the charter is a grant of power to be construed according to the same rules as a legislative act containing the same provisions, that the provision of the charter that "the council shall have . . . all . . . legislative powers and duties," does not confer legislative authority beyond that necessary to the exercise of the powers specifically enumerated, and that the clause of the charter authorizing generally the acquisition and operation of plants for furnishing light and heat does not include power to maintain a coal yard, expressing the opinion, however, that the city might have adopted a charter either as a grant of power or as a limitation of power.

The council at once submitted for popular consideration at a special election a charter amendment empowering the council to establish a coal yard, which, in an exceedingly light vote

was approved almost eleven to one. Initiative petitions had in the meantime been presented intended to authorize the city council to establish a lumber yard and a general merchandising business, either in a spirit of humor or, more probably, to discredit the coal yard proposition. The signatures were, after much counting, found insufficient, and their authors did not present them at the general election.

Coal is being sold at the "muny" yard.

Lincoln boasts a large percentage of home owners and philosophically is not inclined to socialism at all.

RALPH S. BOOTS.

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California State Issues.—Although the following measures were all defeated by the people at the November election, they are significant and in principle are not settled yet.

Number 30 on the California ballot was a proposition submitted by the initiative to add a section to Article 12 of the constitution. It gave the railway commission exclusive power to grant determinate or indeterminate franchises for street, interurban and suburban railways, and motor stages, to prescribe the terms and conditions of the grant and regulate rates. It further was authorized to accept the surrender of existing franchises upon petition of the companies. It provided that if a municipality or political subdivision took over the utility the franchise should have no pecuniary value in fixing the value of the utility; nor should the franchise have a value in rate fixing.

The California Real Estate Association claimed the authorship of this amendment. Many local real estate organizations and chambers of commerce accepted the state association's arguments for this proposal. Almost without exception city officials declared against it. The California League of Municipalities was solidly against it.

The Realtors declared that only by the process can lines be extended, service standardized, capital secured and many burdens such as paving, for instance, be thrown off transportation's shoulders. The argument sounded excellent to men who are selling subdivisions which have no transportation service. It also was alluring to those who realize that our metropolitan communities are being throttled by local interests. It seemed to many the only way out of the pulling and hauling of local competing bodies.

It would seem to the writer that rather than fly to a state commission for the settlement of such a distinctly local administrative difficulty there should be established a metropolitan transportation district for San Francisco, for Alameda county and for Los Angeles county.

It is charged by members of the legislature and by local officials that this amendment was the child of the transportation and utility interests who have become converts to the theory of state commission regulation. A similar measure failed to pass the last session of the legislature.

Number 10 on the California ballot was an initiative proposal to add a section to Article 13 of the constitution to rescind the tax exemption now operating in favor of publicly owned utilities and subject city or district public service enterprises to state taxation. An exception was made in the case of municipal water works. The reason for this submission was transparent and on the face of it it seemed logical that all public service enterprises, whether private or public, should be put upon the same basis. Should all utility enterprises become publicly owned the state revenues (which come only from corporation taxes) would be cut down materially.

On the other hand by taxing a governmental operation, tax money goes from one pocket to another and the public is poorer by the amount necessary to administer the tax.

The proposal would probably have discouraged some communities from attempting public ownership.

There was another measure on our ballot which indicates that the public service companies have found the initiative a useful device. Number 11 provided that all publicly owned utilities should be subject to the jurisdiction of the state railroad commission in all respects, except as to the issuance of securities, that private corporations are.

C. A. DYKSTRA.

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Tentative Charter Provides P. R. for New York.—The New York charter commission has adopted, as a basis for discussion, the draft of a new charter prepared by its counsel, the outstanding feature of which is the adoption of proportional representation for the election of the board of aldermen. There is strong sentiment in New York in favor of increasing the legislative functions of the board. At

present many matters, which should properly be the subject of ordinances, are handled by the legislature at Albany. But to increase the power of the board of aldermen as at present constituted is unthinkable. Not only are the members of average poor quality, but, as a recent report shows, a majority of them are elected by about 30 per cent of the voters.

Inasmuch as greater home rule will require that the aldermen be more than a nominal legislature, proportional representation is the easy and logical method for securing proper consideration for all elements in an extremely diverse population. In no city in the world is the problem of adequate representation so serious as in New York.



Home Rule Postponed in Wisconsin.—The referendum for a constitutional amendment for home rule in cities of Wisconsin which was to have taken place November 7 has been delayed at least two years through a decision of the Wisconsin supreme court. A technical error in procedure when the legislature adopted the necessary resolution in 1919 rendered that resolution null and void. In Wisconsin constitutional amendment is secured by joint resolution adopted by two successive legislatures followed by referendum.

The wording of the proposed amendment is as follows:

(Article XI) Section 3. Cities and villages organized pursuant to state law are hereby empowered to determine their local affairs and government, subject only to this constitution, and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or village. The method of such determination shall be prescribed by the legislature. . . .

This provision is more brief and consequently broader in its scope than the home rule provisions in other state constitutions. It does not include charter-making procedure. The legislature will provide for this after the amendment has been approved.

LEO TIEFENTHALER.



Kansas City Completes Draft of New Charter.—The charter now before the people of Kansas City for adoption is not a manager charter, although a stiff campaign for this form was carried on. It is, however, an improvement in many respects over the present antiquated document. Kansas City is one of the two or three larger cities which retains a bi-cameral

council. The provision in the proposed charter for a single-chamber council is therefore a distinct gain. The Kansas City Public Service Institute believes, however, and in this we concur, that the number of members, twenty-four, is too great. The mayor is given exclusive appointing power with respect to the heads of the six departments, viz., law, finance, public works, safety, parks and welfare. A modern budget system is provided.



Pay Roll Padding Uncovered in Des Moines.—The old-fashioned game of padding the public pay roll, considered usually as a relic of earlier and cruder days, has been uncovered in Des Moines. The first discoveries were made by the Bureau of Municipal Research which turned over its findings to the state auditor, who is now proceeding under grand jury indictments. The principal irregularities were in the departments of parks and public property, streets and public improvements, and in the garbage collection division of the department of public safety. Already six indictments have been issued and more are pending. The resignation of one council member is expected.



Municipal Ownership in Canada.—The Citizens' Research Institute of Canada (Toronto) reports that the number of publicly owned utilities is growing throughout Canada. The Institute has tabulated the figures for 57 cities, Montreal being excluded because the facts were not available. All these municipalities, with one exception, own their water works. Thirty-seven own the sources of their electric light and power; fifteen own their street railways. The net per capita public utility debt for the fifty-seven is \$73.33.



Arizona Sticks to Direct Primary.—In a special election recently the people of Arizona refused to adopt a constitutional amendment which would make possible a return to the convention system. Efforts to develop the pre-primary convention also ended in disaster. One such unofficial convention was held, but its nominees were all defeated in the following primary. In Arizona, as in some other western states, the support of the machine is often a heavy handicap.

Municipal Cleaning Cheaper.—The department of public works of Philadelphia is asking an appropriation for street cleaning for next year of \$1,000,000, or 20 per cent less than the

cost for 1921, the last year under the private contract system. The work for 1922 will be done for \$230,000 less than was anticipated by the budget.

II. CITY MANAGER NEWS.

Annual Convention in Kansas City.—The city managers' convention was held in Kansas City, November 14, 15, and 16. Over 100 managers attended and a very instructive and interesting program was provided. Considerable local interest was shown by Kansas City organizations. Some features of the convention were an address by Governor Allen, a debate on public ownership and a competition in which the annual reports from all city manager cities were judged on several points by a committee of managers.



The 1922 Yearbook will come from the printer shortly and is available at 55 cents a copy from the offices of the City Managers' Association, East Cleveland, Ohio.



The November Issue of the *City Manager Bulletin* carries an article entitled "The Qualifications of a City Manager." The October issue carries a four-page article about the Long Beach recall.



City Manager Questionnaire.—The office of the City Managers' Association has sent out a chart to all city manager cities, requesting information which has never before been compiled and will be interesting as well as valuable when the final compilation is made.



Manager Osborn won his first legal battle in Kenosha, the first Wisconsin manager city, when the state attorney-general handed down an opinion that the change in the form of government in no way affected the right of the executive head of the city government to appoint and supervise department heads.



Manager Graeser, who has gone from Tyler to Temple, Texas, has unearthed a considerable

leakage in city funds in a poorly metered water system.



Numerous Managers are observing fire prevention week; others are interesting themselves in their state municipal leagues by forwarding progressive municipal legislation.



Timely Tributes were made to C. M. Osborn when he resigned as manager of East Cleveland, Ohio. The citizens presented him with a mantel clock and the city employees gave him a white gold watch and chain and a gold fountain pen and pencil. Last January Mr. Osborn bought a time clock for the city hall, and it appears that everyone took this occasion to return the compliment.



Manager Rigsby of Durham, North Carolina, has convinced the council of the need of comprehensive city planning and zoning.



The New Manager of Akron, M. P. Tucker, is apparently taking hold of things in a manner which will redound to the benefit of the city.



Long Beach, California, provides the example of a seeming paradox—as the days grow colder the civic recall temperature rises. The manager recall election is set for November 29.



Numerous California Managers are making preparation for extended park improvements.



Long Beach stands at the head of the cities of the United States with a population of from 50,000 to 100,000 in having only 54 deaths of children under one year of age during the year 1921.



A Trio of Part-Time Managers and engineers is now on record. Manager E. C. Knox of

Chapel Hill, North Carolina, serves on the engineering staff of the local state university; Manager J. E. O'Donnell of St. Albans, Vermont, devotes time on railroad engineering work; and Manager R. F. Armstrong of Woodstock, Canada, is a member of a firm of consulting engineers.

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The Following Cities are showing an interest in the manager plan: Hutchinson, Kansas, St. Joseph, Missouri, Butte and Billings, Montana, Fresno and Modesto, California, Warrenton and Newport, Oregon, Bristow, Oklahoma, Harrisonburg, Virginia, and Milford, Connecticut.

✱

Elections on Manager Charters were held in November in Billings, Montana, Santa Rosa, and San Mateo, California, and Utica, New York.

✱

Yale, Oklahoma, voters on October 6 voted four to one to retain their city manager charter.

✱

The Following New Appointments have been made to manager positions: Ponca City, C. E.

Norton; Lakeland, Florida, Anton Schneider, formerly of Bartow; C. M. Grantham, Goldsboro, North Carolina; James Trogdon, Morgantown, North Carolina, to succeed O. B. Lackey, who resigned; W. L. King, Brownsville, Texas, to succeed George Grupe, who resigned; Horace Bowen, Michigan City, Indiana, to succeed W. B. Maany, who resigned; J. S. Looney to Decatur, Georgia; F. E. Golightly to Coalgate, Oklahoma; F. W. Waggoner to Farmville, Virginia; H. G. Barnes of the St. Paul Bureau of Municipal Research to White Bear Lake, Minnesota; A. A. Hall, Morgantown, West Virginia, to succeed C. F. Sutherland; U. P. Prater, Tyler, Texas, to succeed H. G. Graeser; C. A. Carran, East Cleveland, Ohio, to succeed C. M. Osborn.

✱

New manager positions have been filled by E. O. Garrett, Dormont, Pennsylvania; C. W. Mizell, Heavener, Oklahoma; Paul Steintorf, Calexico, California; C. B. Forsbeck, Red Oak, Iowa; J. P. Broome, Salem, Virginia.

PAUL B. WILCOX.

III. MISCELLANEOUS

Administrative Reorganization for Tennessee.

—The Tennessee state conference of chambers of commerce meeting in Nashville have endorsed the movement for state administrative consolidation. A. E. Buck of New York has prepared a report and plan of reorganization which will be presented to the legislature this winter.

✱

Ralph B. Howell, senator-elect from Nebraska, is well known for his successful management of the municipally-owned water, gas and ice plants of Omaha. He has promised us a story on these enterprises for the REVIEW and we yet hope to get it before he moves on to Washington.

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Prof. Frank G. Bates is now executive secretary of the Indiana Municipal League. The League's headquarters are now permanently established at the University of Indiana.

✱

A Dog Curfew.—In Lakeland, Ohio, it seems owners of dogs guilty of barking after dark will be fined one dollar. It remains to be seen

whether this form of prohibition is capable of easier enforcement than the Volstead law.

✱

Health Commissioner Bundeson of Chicago has announced that shrieking exhaust whistles carried by motor trucks are nuisances and must be silenced. The sharp blast of a truck whistle, he declares, is harmful to persons with weak hearts. For a full account of the noise menace see article by Dr. Nance in the October REVIEW.

✱

Mayo Fesler has resigned as secretary of the Brooklyn Chamber of Commerce to become secretary of the City Club of Chicago.

✱

Dr. Don C. Sowers, for the past five years director of the Akron Bureau of Municipal Research, has accepted an appointment with the University of Colorado as director of the bureau of business and governmental research of that university.

Charles A. Clark, chairman of the county board of Duval county, Florida, declares that his county needs a county manager. The present form of county government is too clumsy and too easily swayed by politics.

Frank M. Williams, who is completing his fifth year as state engineer of New York, has joined the Technical Advisory Corporation, consulting engineers, of 132 Nassau Street, New York city.

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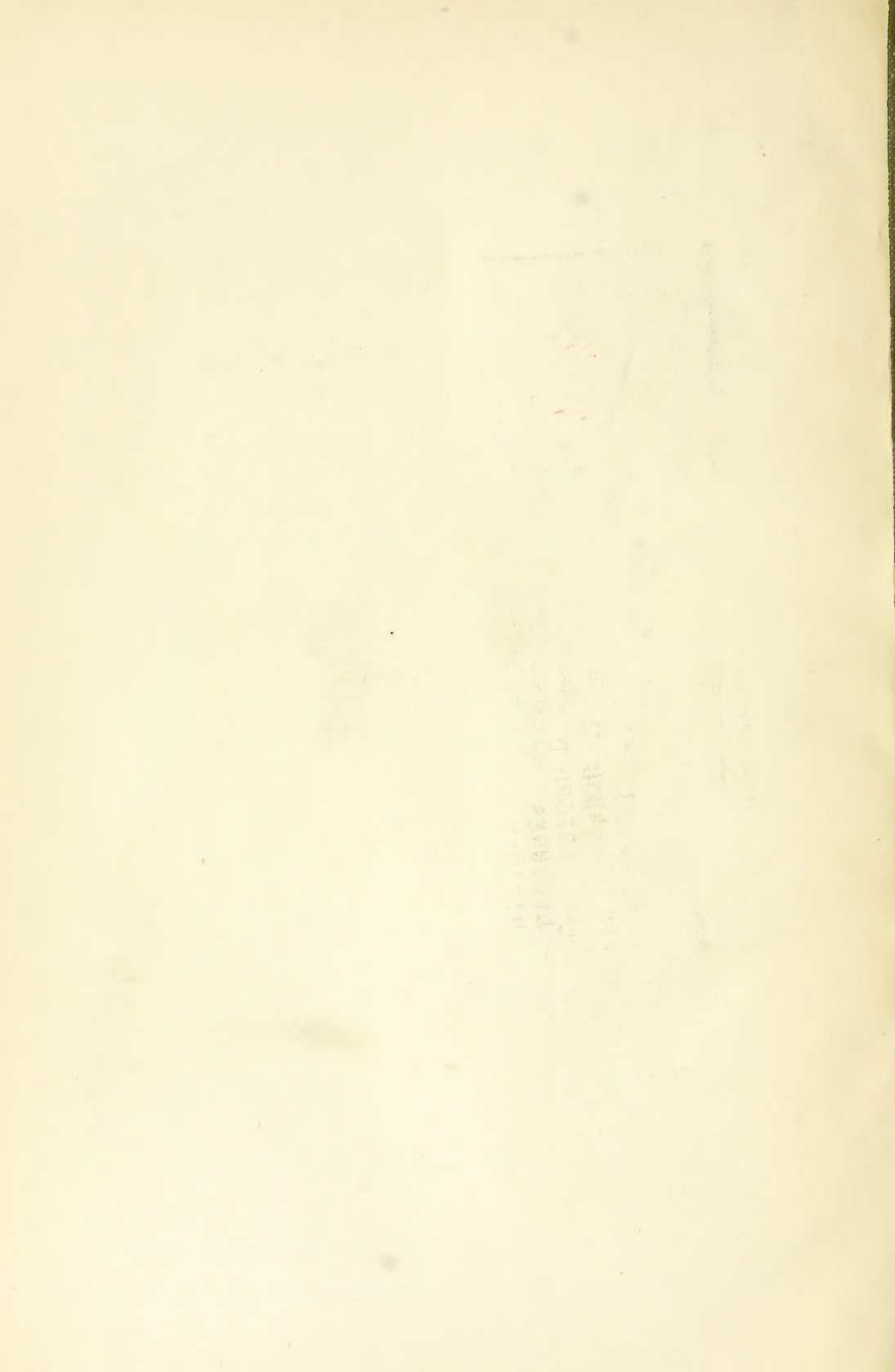
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